



Agenda

Benchers

Date: Friday, April 23, 2021

Time: **9:00 am - Call to order**

Please join the meeting anytime from 8:30 am to allow enough time to resolve any video/audio issues before the meeting commences.

Location: Virtual meeting

Recording: *Benchers, staff and guests should be aware that a digital audio and video recording will be made at this Benchers meeting to ensure an accurate record of the proceedings. Any private chat messages sent will be visible in the transcript that is produced following the meeting.*

VIRTUAL MEETING DETAILS

The Bencher Meeting is taking place via a virtual meeting. If you would like to attend the meeting, please email BencherRelations@lsbc.org.

CONSENT AGENDA:

Any Bencher may request that a consent agenda item be moved to the regular agenda by notifying the President or the Manager, Governance & Board Relations prior to the meeting.

1	Minutes of March 5, 2021 meeting (regular session)
2	Minutes of March 5, 2021 meeting (<i>in camera</i> session)
3	Use of Bank Drafts by Lawyers

REPORTS

4	President's Report	Dean Lawton, QC
5	CEO's Report	Don Avison, QC
6	Briefing by the Law Society's Member of the Federation Council	Pinder Cheema, QC

Agenda



DISCUSSION/DECISION

7	Trust Account Use: Mediators, Arbitrators, and Parenting Coordinators	Don Avison, QC
8	Law Society Motto and Crest	Jeevyn Dhaliwal, QC
9	Recognition of Law Society Members Policy	Dean Lawton, QC

UPDATES

10	2021 First Quarter Financial Report	Lisa Hamilton, QC Jeanette McPhee
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FOR INFORMATION

11	Minutes of April 8, 2021 Executive Committee Meeting
12	Three Month Benchers Calendar – May to July 2021
13	Fall 2020 Justice Summit Report
14	2021 Benchers and Executive Committee Meeting Dates
15	2022 Benchers and Executive Committee Meeting Dates

IN CAMERA

16	Other Business
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Minutes

Benchers

Date: Friday, March 05, 2021

Present: Dean P.J. Lawton, QC, President
 Lisa Hamilton, QC, 1st Vice-President
 Paul Barnett
 Pinder K. Cheema, QC
 Jennifer Chow, QC
 Barbara Cromarty
 Jeevyn Dhaliwal, QC
 Cheryl S. D'Sa
 Lisa Dumbrell
 Lisa Feinberg
 Martin Finch, QC
 Brook Greenberg, QC
 Sasha Hobbs
 Julie K. Lamb, QC
 Dr. Jan Lindsay

Jamie Maclaren, QC
 Geoffrey McDonald
 Steven McKoen, QC
 Jacqueline McQueen, QC
 Elizabeth J. Rowbotham
 Mark Rushton
 Karen Snowshoe
 Thomas L. Spraggs
 Michelle D. Stanford, QC
 Michael Welsh, QC
 Kevin B. Westell
 Chelsea D. Wilson
 Guangbin Yan
 Heidi Zetzsche

Unable to Attend: Christopher McPherson, QC, 2nd Vice-President
 Claire Marshall

Public Session – Staff Attendance:

Staff: Don Avison, QC
 Barbara Buchanan, QC
 Shelley Braun
 Lance Cooke
 Natasha Dookie
 Su Forbes, QC
 Andrea Hilland
 Madeleine Holm-Porter
 Jeffrey Hoskins, QC
 Jason Kuzminski
 Michael Lucas, QC

Alison Luke
 Claire Marchant
 Tara McPhail
 Jeanette McPhee
 Cary Ann Moore
 Doug Munro
 Lesley Small
 Amy Tang
 Adam Whitcombe, QC
 Vinnie Yuen

Guests:	Dom Bautista	Executive Director, Law Courts Center
	Janine Benedet, QC	Dean pro tem, Peter A. Allard School of Law
	Dr. Susan Breau	Dean of Law, University of Victoria
	Jennifer Brun	President, Canadian Bar Association, BC Branch
	Dr. Cristie Ford	Associate Dean Research and the Legal Profession, Peter A. Allard School of Law
	Richard Fyfe, QC	Deputy Attorney General
	James Heller	Law Society of BC Member
	Clare Jennings	First Vice-President, Canadian Bar Association, BC Branch
	Alexis Kazanowski	Assistant Dean, Faculty of Law, TRU
	Derek LaCroix, QC	Executive Director, Lawyers Assistance Program of B.C.
	Carey Linde	Law Society of BC Member
	Mark Meredith	Treasurer and Board Member, Mediate BC Society
	Caroline Nevin	CEO, Courthouse Libraries BC
	Josh Paterson	Executive Director, Law Foundation of BC
	Michèle Ross	President, BC Paralegal Association
	Linda Russell	CEO, Continuing Legal Education Society of BC
	Kerry Simmons, QC	Executive Director, Canadian Bar Association, BC Branch
	Jo-Anne Stark	Director of Advocacy, Canadian Bar Association, BC Branch
	Karen St. Aubin	Director of Membership & Education, Trial Lawyers Association of BC
	Jody Wells	Member of the Public

CONSENT AGENDA

1. Minutes of January 29, 2021, meeting (regular session)

The minutes of the meeting held on January 29, 2021 were approved as circulated.

2. Minutes of January 29, 2021, meeting (*in camera* session)

The minutes of the meeting held on January 29, 2021 were approved as circulated.

3. Rule 4-30: Amendment re Admission and consent to disciplinary action

This item was removed from the Consent Agenda.

4. Rule 2-74(4)(b): Amendment re Review of Failed Standing

The following was passed unanimously and by consent:

BE IT RESOLVED to amend the Law Society Rules as follows:

Rule 2-74 (4) (b) is rescinded and the following substituted:

- (b) any grounds, based on the student's past performance, that would justify opportunities for further remedial work;.

5. Rule 2-57: Amendment re Principals

The following was passed unanimously and by consent:

BE IT RESOLVED to amend the Law Society Rules as follows:

Rule 2-57 is amended as follows:

(a) Subrule (2) is rescinded and the following substituted:

- (2) Subject to subrules (2.1) and (3), to qualify to act as a principal, a lawyer must

- (a) have engaged in full-time practice in Canada for 5 of the 8 years immediately preceding the articling start date,
- (b) have spent at least 3 years of the time engaged in the practice of law required under paragraph (a) in
 - (i) British Columbia, or
 - (ii) Yukon while the lawyer was a member of the Society, and

(c) not be prohibited from practising law under Rule 2-89 [*Returning to practice after an absence*].;

(b) Subrule (2.1) (b) is rescinded and the following substituted:

(b) the 8-year period in subrule (2) (a) is extended by the length of the period in which the lawyer engages in part-time practice, provided that the aggregate time in which the lawyer was not engaged in the practice of law does not exceed 3 years in the 5 years immediately preceding the articling start date..

6. Code of Professional Conduct Rule 3.4-4: Correcting Commentary Reference to Screening Measures

The following was passed unanimously and by consent:

BE IT RESOLVED that rule 3.4-4 Commentary [4] of the Code of Professional Conduct for British Columbia be amended in accordance with the redlined version of that provision provided for the Benchers' review.

GUEST PRESENTATION

7. The Canadian Bar Association of BC: Agenda for Justice

Mr. Lawton welcomed and introduced Ms. Brun, President of the Canadian Bar Association of BC (CBABC) to the meeting.

Ms. Brun thanked Mr. Lawton for the welcome and then spoke to the Benchers about the CBABC's Agenda for Justice report, which provides a roadmap for action with over 40 recommendations across 22 issues in 4 areas, including access to justice for families, meaningful change for Indigenous peoples, modernizing BC's justice and legal systems, and ensuring fairness for British Columbians.

Ms. Brun spoke about access to justice for families, noting the emotional and financial stress experienced by many families undergoing separation or parenting disputes, particularly low income families. Ms. Brun also spoke about concerns regarding the child protection system, particularly for indigenous children who are disproportionately impacted by state intervention. The Agenda for Justice Report makes recommendations for a sustainable model of legal aid, an expanded scope for family law services, transformation of the child protection system, and a unified family court model.

Ms. Brun then spoke about the recommendations regarding meaningful change for Indigenous peoples. CBABC is deeply committed to promoting the objectives of truth and reconciliation. Indigenous communities require and deserve a unique and collaborative approach to justice, and CBABC is advocating for restorative justice and the improvement of access to lawyers in rural areas.

Ms. Brun then spoke about modernizing BC's justice and legal systems. CBABC is recommending investment in and enhancement of virtual technology, as well as the improvement of processes in civil courts. Ms. Brun also spoke about the need for streamlined, modernized legislation in the areas of virtual witnessing of legal documents, commercial leases, and the enforcement of money judgments.

Ms. Brun then spoke about ensuring fairness for everyone within BC's justice system, noting that the core principles of BC's justice system are equality, inclusion, and the protection of human rights for everyone. CBABC is recommending the reform of various public policies, programs, and legislation to ensure that BC's most vulnerable residents, including seniors, the LGBTQ2SI+ community, mental health detainees, and small business owners, among others, are treated fairly and with respect.

Ms. Brun informed Benchers that the Agenda for Justice was delivered to the provincial government February 17, and CBABC will be referencing it throughout the current government's mandate.

Many of these priorities align with the provincial government's Court Digital Transformation Strategy 2019-2023 and Modernizing Justice and Public Safety: a Digital Strategy for the Justice and Public Safety Sector, including continuing to modernize core operations, allocating funding for increased court staffing and enhanced training of existing court staff, funding for high-speed internet access and necessary computer equipment and training in rural communities and Indigenous communities to help them better access justice services, establishing a robust data collection and disclosure infrastructure with consistent protocols and standards across the justice sector. Ms. Brun noted that recommendations regarding modernization also apply to outdated legislation, including the *Power of Attorney Act* and the *Representation Agreement Act* to allow virtual witnessing of powers of attorney in representation agreements beyond the current state of emergency.

Ms. Brun concluded her presentation by informing Benchers that she would be speaking to key cabinet ministers about the Agenda for Justice over the coming weeks, and asked Benchers to raise awareness of the CBABC's recommendations with their colleagues.

Deputy Attorney General Fyfe thanked Ms. Brun for her presentation and noted that many of the CBABC's recommendations align with the Ministry of Justice's priorities, including

modernization. Deputy Attorney General Fyfe stressed the importance of voicing support for these recommendations, as the provincial government is facing financial pressures with COVID-19, and it's important not to lose sight of other areas of importance.

Benchers discussed access to justice for rural communities in BC, as well as legal advice for mental health detainees, particularly as BC is one of the only provinces that does not provide independent legal advice for people who are involuntarily detained for mental health treatment. Ms. Brun noted the challenges rural communities can face regarding internet access and ensuring confidentiality. Ms. Brun also spoke about having a student loan forgiveness program for the profession, similar to the medical profession's, that would encourage young lawyers to practice in rural communities in exchange for a decrease in their loans. Regarding the mental health detainee issue, Ms. Brun noted that BC's *Mental Health Act* was written in 1965 and needed updating.

Benchers discussed the CBABC's priorities, including the modernization of the legal and justice system. Ms. Brun noted that priorities would likely fluctuate over the next four years as issues emerge.

Benchers discussed the use of technology in providing access to justice, particularly in rural areas, and whether or not circuit courthouses could be better utilized. Technology helps with increasing the availability of judges since the need to travel is lessened, in addition the use of technology helps with rescheduling if a judge becomes available/unavailable. Ms. Brun noted that the Agenda for Justice referenced the need to utilize available resources more effectively, and part of that will be increasing funding for court staff.

Mr. Lawton thanked Ms. Brun for her presentation on behalf of the Benchers.

REPORTS

8. President's Report

Mr. Lawton began his report by acknowledging all the assistance he's received from staff thus far. He then reported to Benchers on recent meetings, including with Chief Judge Gillespie to discuss a number of issues, including significant changes to family law practice; Chief Justice Hinkson regarding issues on which the Law Society and Chief Justice Hinkson could collaborate; the Arbitrator Association of BC to discuss the importance of arbitration in commercial law and future plans; and Steve Raby, QC, President of the Federation. Mr. Lawton noted that he had attended the Federation's Council meeting as a guest.

Mr. Lawton then informed Benchers of his participation in a video addressing issues relating to the mental health of the profession in relation to the ongoing pandemic. Mr. Lawton thanked staff for their technical support with that video.

Mr. Lawton informed Benchers that he would be attending the New Westminster Bar Association's Annual President's Dinner, which would be conducted virtually.

Mr. Lawton reported to Benchers on his recent meeting with the managing partners of Vancouver's large firms to discuss articles and student recruitment and other issues. These firms take on a significant number of students and new lawyers, and have quite well-designed education programs. Mr. Lawton noted that the discussions provided valuable insight, particularly in regard to the concerns raised by articling students and firms through the recent survey.

Mr. Lawton noted that he attended the University of Victoria's Faculty of Law webinar on the ways of Indigenous learning and teaching, moderated by John Borrows. This series is available, and Mr. Lawton encouraged Benchers to subscribe. Mr. Lawton also noted that he had recently completed the CBA's course *The Path: Your Journey through Indigenous Canada*, and invited Benchers to consider taking it.

Mr. Lawton informed Benchers of a letter he received from Chief Justice Hinkson inviting him to encourage senior counsel to permit junior counsel to have an active role in trials. Mr. Lawton noted that he was passing along this request to Benchers.

Mr. Lawton concluded by informing Benchers that he would be organizing small group meetings of Benchers to discuss various matters informally.

Benchers discussed the mental health video and the importance of focusing on mental health throughout the profession. It's important to send a timely message to the profession that existing resources are available for members.

Mr. Lawton thanked the Deputy Attorney General for taking the time to attend Bencher meetings and provide helpful updates.

9. CEO's Report

Mr. Avison began his report by discussing the current challenges faced by law students. Mr. Avison spoke about his participation in a recent webinar put on by Courthouse Libraries BC to provide information and advice to students during these challenging times. The webinar was attended by students from the law schools of the University of British Columbia, Thompson Rivers University, and the University of Victoria. Mr. Avison noted that Courthouse Libraries BC have been providing numerous session for students and thanked all those involved in putting on these sessions.

Mr. Avison noted that articling numbers seem relatively stable and registration for PLTC is similar to past years. Mr. Avison also noted the numerous issues in relation to students that are being considered by the Lawyer Development Task Force.

Mr. Avison then spoke about the recent encouraging news regarding vaccine availability, which will hopefully have an impact on the challenges facing students, as well as the profession as a whole.

Mr. Avison then spoke about Law Society operations, noting that there was still good engagement with people coming into the office, as well as with those working remotely. Changes have been made to the physical infrastructure in the office with changes to work stations and the addition of glass panels between work stations.

Mr. Avison informed Benchers that staff is working on a new enterprise risk management plan that will be reviewed by the Finance and Audit Committee before coming to Benchers. The organization has proved to be quite resilient in responding to significant pressure.

Mr. Avison informed Benchers that the Supreme Court of Canada has granted leave in *Abrametz v. Law Society of Saskatchewan*. Mr. Avison noted that this is one of the most significant decisions for professional regulatory bodies and that there will likely be intervention not just by some of the law societies, but perhaps by other regulatory bodies as well, since this will have implications well beyond the legal profession.

Mr. Avison then gave a presentation on the Innovation Sandbox, referencing the recommendations made by the Futures Task Force and the Licensed Paralegal Task Force to develop a sandbox in which to test legal service innovations. These recommendations were accepted by the Benchers at the September 2020 Bencher meeting. Mr. Avison reviewed the process by which proponents are invited to submit proposals that address the unmet legal needs of British Columbians, as well as the review and consideration process. To date, the Law Society has received 32 proposals covering a wide range of potential services. Of the 32 proposals, half have been considered by the Executive Committee and the remainder are still under review. Of those reviewed and approved by the Executive Committee, 3 have been approved with conditions, 2 have been deferred, and 2 have been fully approved. For those proposals that are approved, proponents will receive a “no action” letter tailored to the particulars of their proposal setting out the Law Society’s expectations and requiring regular reporting on the services they provide. As the Law Society continues to consider and approve (or reject) proposals, a directory will be developed and posted on the Law Society website to list the proposals that have been considered and to provide information about the services provided, as well as how to submit concerns about any of the services.

Mr. Avison noted that the Innovation Sandbox was still in its infancy, but the hope is that this initiative will provide the opportunity to identify and evaluate alternative legal service providers and to provide the groundwork for more formal recognition of providers as contemplated by the Futures Task Force and the Licensed Paralegal Task Force. Mr. Avison also noted discussions are ongoing with the courts and with administrative tribunals regarding those proposals that contemplate appearing before the courts and/or tribunals.

Benchers discussed the progress of the Innovation Sandbox, as well as similar initiatives in other jurisdictions. Benchers discussed the review and approval process, and whether or not an advisory group should be struck to help with the workload, to bring in additional perspectives, and to provide an arm's reach review to avoid any potential bias, unconscious or otherwise.

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

Ms. Cheema provided an update on the Federation Council's annual meeting, which took place on March 2. Ms. Cheema spoke about a presentation from a member of the Law Society of the Northwest Territories, Magnolia Unka-Wool, from the Dene nation. Ms. Unka-Wool's presentation discussed reconciliation in court practices. She noted that, particularly in the Northwest Territories, in court the oath is still taken by swearing on a bible, and the option of taking it with an eagle feather is not yet prevalent.

Ms. Cheema updated Benchers on the Federation's strategic priorities, including anti-money laundering, reconciliation, the national wellbeing study, and the modernization of the NCA assessment.

Regarding anti-money laundering, Ms. Cheema noted that the Barreau du Quebec and the Law Society of Ontario have not yet adopted the Federation rule amendments regarding client identification, which the Law Society of BC adopted 26 months ago. The Barreau du Quebec indicated that the amendments would be put before its council in March. The Law Society of Ontario indicated that the amendments would be before Convocation in late spring. Ms. Cheema noted that further amendments are being reviewed by the Anti-Money Laundering Working Group that will likely be reviewed by the Council towards the end of 2021. The Working Group is also considering the development of an online educational module to help members in understanding risks.

Regarding reconciliation, Ms. Cheema spoke about a number of options being considered to incorporate reconciliation into the work of the Council, including the formation of an Indigenous Advisory Council and/or a liaison group that would liaise between that Advisory Council and the Federation Council. The Working Group will explore how other organizations have addressed this, along with what other structures have been used.

Regarding the National Wellbeing Study, the Committee has met with the researchers, and the focus is now on the scope of the study. Articling students and paralegals in Ontario will be included in the study as well. A draft questionnaire has gone out to the Committee for review.

Regarding the National Committee of Accreditation's assessment modernization, the Committee is now in the process of developing and validating a competency profile for NCA candidates that will culminate in the development of benchmarks. The benchmarks will identify the level of competency required at each stage of the legal education and training process and entry to bar programs.

Ms. Cheema informed Benchers that each law society was asked to send a one-page memo indicating their priorities. Each law society indicated that truth and reconciliation is an important priority. Other common priorities identified were anti-money laundering, appropriate governance of a regulatory body (other law societies are also conducting a full governance review), health and wellness of the profession, equity and diversity beyond truth and reconciliation, and reviewing alternative pathways to the bar.

Ms. Cheema informed Benchers that there were three items requiring decision: approval of the Federation's annual plan, which was approved; the Federation's international engagement plan, which was approved; and budget approval, which was approved.

Ms. Cheema then spoke about the Federation's Continuing Legal Education program, which was cancelled this year due to the pandemic.

Ms. Cheema informed Benchers that the Federation Conference will take place in Saskatoon in October. The theme will be regulatory response to generational change and the future of the legal profession with an emphasis on entry to the profession and how best to support new members.

Ms. Cheema concluded her report by informing Benchers that CANLII is continuing to provide services and has completed the Manual of BC Civil Litigation, which was funded by the Law Foundation.

Benchers discussed the NCA not accepting degrees obtained by virtual correspondence or distance learning, and whether or not this should be revisited. Ms. Cheema noted that this could be appealed and each case is reviewed, and that the NCA is attuned to this issue.

Benchers asked about the other law societies considering the conducting of a governance review. Ms. Cheema replied that the law societies of Saskatchewan and New Brunswick are considering amendments to their respective Law Society acts. The Law Society of Northwest Territories is considering reform in a number of areas. The Law Society of Prince Edward Island is considering changes to its bar admission course. The Law Society of Yukon is considering how to restructure their discipline process, as well as developing a strategic plan.

Benchers asked if any other jurisdictions are mandating Indigenous awareness training. The Law Society of Alberta has also mandated training.

Benchers requested that the one-page summary from other provinces be made available to Benchers.

DISCUSSION/DECISION

11. Law Society's 2020 Audited Financial Statements and Financial Reports: Review and Approval

Ms. Hamilton, Chair of the Finance and Audit Committee introduced the item, thanking Committee members and staff for all their hard work, which led to a 100% clean audit. Ms. McPhee then provided a summary of the Law Society's 2020 audited financial statements and financial reports.

Ms. McPhee provided an overview of the financial results and highlights for 2020, noting that the compensation fund has been wound up, and any remaining costs to finish the court document production fees will be funded through LIF. Ms. McPhee noted that the general fund operations resulted in a positive variance to budget, which is mainly due to lower operating expenses as a result of COVID-19. Revenue was slightly under budget, primarily due to lower D&O insurance recoveries, as well as significantly reduced expenses due to a number of cost-reducing measures.

Ms. McPhee reviewed practice fees, which were slightly ahead of budget, with the number of full-time practising lawyers at 12,893 compared to a budget of 12,846. Ms. McPhee noted that the number of practising lawyers usually increases by 2-3% each year. PLTC revenue is slightly behind budget.

Ms. McPhee reviewed operating expenses for the year, which were under budget by about 10%, likely due to significant efforts in reducing costs during the pandemic, as well as a hold on staff hires.

Ms. McPhee reviewed the TAF/Trust Assurance program, which was slightly over budget. Expenses were under budget mainly due to lower travel costs with audits being conducted remotely. In accordance with the TAF reserve policy, \$700,000 of the TAF net assets were transferred to LIF in 2020.

Actual revenue for the Lawyers Insurance Fund was slightly ahead of budget. Operating expenses were under budget with savings related to compensation costs, external fees, and stop loss insurance costs. The market value of the LIF long-term investment portfolio was \$213.2 million as December 2020.

Benchers discussed the financial results, noting the significant cost savings with Bencher and Committee meetings being conducted virtually. Benchers also discussed the contribution made towards the Advocate magazine and renewal fees would be discussed. The budget is dealt with in June. The Finance and Audit Committee reviews the budget and then brings forward a recommendation to Benchers with opportunities to provide input. Benchers discussed the increase in costs under building and equipment lease-hold, which is related to workstation upgrades and office space updating and maintenance.

Benchers discussed the fee relief program and the number of members that applied. Roughly 360 members took part in the program, with approximately \$500,000 provided in relief. Additional data will be provided to Benchers.

The following motion was moved and seconded:

BE IT RESOLVED to approve the Law Society's 2020 Combined Financial Statements for the General & Special Compensation Funds, and the 2020 Consolidated Financial Statements for the Lawyers Indemnity Fund.

The resolution was passed unanimously.

12. Independent Review of Law Society Governance

Mr. Lawton reminded Benchers that the motion regarding this matter had been deferred to this meeting. Mr. Lawton stated that if the Benchers were in agreement, it would be appropriate to leave aside the existing motion on the floor from the January Bencher meeting, and a new motion substituted. Mr. Lawton noted that based on the input from Benchers, the terms of reference have been revised and the new motion includes of a request for proposal process.

Mr. Lawton recused himself and Ms. Hamilton took over as Chair of the meeting.

There was no objection to the replacement of the existing motion.

The following motion was moved and seconded:

BE IT RESOLVED that a Law Society governance review be conducted in accordance with the proposed Terms of Reference and seven review steps attached in the memorandum of February 25, 2021 to the Benchers from the Executive Committee and that the Benchers develop a request for proposals based on the proposed Terms of Reference and review steps.

The motion was passed unanimously.

13. Conduct Assessment and Disposition Guidelines: Revisions

Ms. Dookie reviewed the revisions made to the conduct assessment and disposition guidelines, noting that the guidelines are not intended to be directives, rather the guidelines are to provide a framework to assist the Discipline Committee in assessing complaints and making appropriate, fair, and consistent decisions. Those revisions reflect a few changes.

Benchers discussed the guidelines and in particular the guideline regarding allowing one's trust account to be used in the absence of legal services. The issue of arbitrators, mediators, and family coordinators depositing retainers in their trust accounts was raised in the context of this guideline. This is something that will be taken into consideration by staff and by the Discipline Committee. This matter is also being considered by the Executive Committee and will be discussed at the Committee's next meeting.

A motion to approve the revised Conduct Assessment and Disposition Guidelines was unanimously approved.

13a. Rule 4-30: Amendment re Admission and consent to disciplinary action

This item was removed from the consent agenda.

Some Benchers expressed concerns regarding the proposal to eliminate the conditional aspect of what were previously conditional admissions, and members who have made conditional admissions and had the agreed outcome rejected still have the chance to withdraw that admission and proceed to a citation hearing. The rejection of a joint submission is very rare; however, even though it's unlikely, it could make lawyers less willing to enter into conditional submissions.

Benchers discussed the proposed rule change and possible alternative options to address the concerns raised, including either allowing the panel to receive further submissions, or allowing the lawyer to withdraw their joint submission and proceed the usual way to a citation hearing.

Ms. Dookie noted that the downside to allowing the withdrawal of the admission is the inefficiency that brings into the process. It is important to set the process at the outcome and be upfront with the respondent lawyer about what the outcome could be. Benchers discussed the importance of ensuring that members understand the risks.

The following motion was moved and seconded.

BE IT RESOLVED to amend the Law Society Rules as follows:

1. ***Rule 1, definition of "professional conduct record" paragraph (h) is rescinded and the following substituted:***

- (h) an admission accepted and disciplinary action imposed by a hearing panel under Rule 4-30 [*Admission and consent to disciplinary action*];.

2. ***Rule 4-30 is rescinded and the following substituted:***

Admission and consent to disciplinary action

- 4-30** (1) Discipline counsel and the respondent may jointly submit to the hearing panel an agreed statement of facts and the respondent's admission of a discipline violation and consent to a specified disciplinary action.
- (5) If the panel accepts the agreed statement of facts and the respondent's admission of a discipline violation
- (a) the admission forms part of the respondent's professional conduct record,
 - (b) the panel must find that the respondent has committed the discipline violation and impose disciplinary action, and
 - (c) the Executive Director must notify the respondent and the complainant of the disposition.
- (6) The panel must not impose disciplinary action under subrule (5) (b) that is different from the specified disciplinary action consented to by the respondent unless
- (a) the respondent and discipline counsel have been given the opportunity to make submissions respecting the disciplinary action to be substituted, and
 - (b) imposing the specified disciplinary action consented to by the respondent would be contrary to the public interest in the administration of justice.
- (7) An admission of conduct tendered in good faith by a lawyer during negotiation that does not result in a joint submission under subrule (1) is not admissible in a hearing of the citation..

3. ***Rule 4-31 (2) to (5) is rescinded and the following substituted:***

- (2) An admission tendered under Rule 4-30 [*Admission and consent to disciplinary action*] must not be used against the respondent in any proceeding under this part or Part 5 unless the hearing panel accepts the admission and imposes disciplinary action..

4. Rule 4-41 (3) (d) is rescinded and the following substituted:

- (d) the respondent's admission of a discipline violation and consent to a specified disciplinary action submitted jointly by discipline counsel and the respondent under Rule 4-30 [*Admission and consent to disciplinary action*], and

5. Rule 4-44 is amended as follows:

- (a) **in subrule (1) (d) by striking “taken under subrule” where it occurs and substituting “taken under paragraph”; and**
- (b) **subrule (2) is rescinded and the following substituted:**
 - (2) A panel may proceed under subrule (1) before written reasons are prepared under Rule 4-43 (2) (b)
 - (a) if the panel gives reasons orally for its decision under Rule 4-43 (2) (a) [*Submissions and determination*], or
 - (b) when the panel accepts an admission jointly submitted by discipline counsel and the respondent under Rule 4-30 [*Admission and consent to disciplinary action*].

6. Rule 4-48 is amended as follows:

- (a) **subrule (1) (g) and (h) is rescinded and the following substituted:**
 - (g) when a lawyer or former lawyer is suspended or disbarred under Rule 4-52 [*Conviction*],
 - (h) when an admission is accepted under Rule 4-29 [*Conditional admissions*], or
 - (i) when an admission is accepted and disciplinary action is imposed under Rule 4-30 [*Admission and consent to disciplinary action*].
- (b) **in subrule (2) (a) by striking “accept a conditional admission” and substituting “accept an admission”.**

7. Rule 5-2 (2) (b) is amended by striking “to consider a conditional admission” and substituting “to consider an admission”.

8. Schedule 4, item 25 (c) is amended by striking “respondent elected to make conditional admission” and substituting “respondent agreed to make an admission”.

The motion passed with more than two thirds of Benchers in favour.

UPDATES

14. National Discipline Standards Report

Ms. Dookie provided background on the National Discipline Standards and then reviewed the findings of the 2020 report. In 2020, the Law Society met 20 of the 23 standards, which is similar to previous years. The three standards not met were 9, 10 and 19. Standard 19 requires easily accessible information on discipline history for each lawyer, and discipline history dating back to 1983 is currently posted. Staff will continue to post information to ensure this standard is met. Standard 10 requires 90% of hearing panel decisions be made within 90 days of the last submission. The Law Society is currently at 67% for last year, due to hearings not occurring in the first few months of the pandemic. Standard 9 requires 75% of hearings to be commenced within 9 months of the citation being authorized. The challenges in meeting this standard include a doubling in the amount of citations; the pandemic, which caused hearings to be cancelled from March to May 2020; the increased complication of files; and a record number of review appeals. Staff are working on the backlog and new processes, including the new consent resolution process to address these challenges.

Benchers discussed the increased combativeness of respondents, noting that the pandemic has been a challenge for many. In addition the Law Society has been taking strong positions on dealing with respondents, which likely also contributes to combativeness.

Benchers discussed the directory of discipline history and the lack of available records beyond 1983. Benchers also discussed staffing and plans for additional resources to help with the backlog.

FOR INFORMATION

15. Minutes of February 18, 2021 Executive Committee Meeting

There was no discussion on this item.

16. Equity Ombudsperson Program: July 2019 – December 2020 Report

There was no discussion on this item.

17. Judicial Advisory Committee for BC Appointment

There was no discussion on this item.

18. Three Month Bencher Calendar – March to May 2021

There was no discussion on this item.

The Benchers then commenced the *In Camera* portion of the meeting.

20. Compulsory Cyber Insurance | LIF's Program

The Benchers discussed this item *In Camera*.

The following motion was moved and seconded:

BE IT RESOLVED that The Law Society purchase a compulsory cyber insurance policy, to provide coverage for BC law firms that we indemnify, as part of the Indemnification Program, and may use the indemnity fund and fees to pay for the coverage.

The motion was passed unanimously.

AT
2021-03-05



Memo

To: Benchers
From: Executive Committee
Date: April 12, 2021
Subject: Discrete Issues Relating to Bank Drafts

Background and Request

The Trust Assurance Department and the Custodianship Department have identified some issues relating to the use of bank drafts.

1. Some lawyers purchase bank drafts on the trust account and the savings institution does not process the trust cheque. The savings institution simply recognizes there are sufficient funds in the account and issues a bank draft. This effectively ends the audit trail;
2. Some lawyers have left bank drafts in their files, without sending them to the payee.

These were brought to the Executive Committee for consideration. The Committee recommends that the Benchers approve, in principle, a policy and rule change to address these concerns. The matter should then be referred to the Act and Rules Committee to draft amended rules.

Problem and Analysis

The permitted forms of withdrawal from trust are set out in Rule 3-64(4). They do not currently permit a lawyer to withdraw funds from trust via bank draft.¹ Information gathered via audits indicates that some lawyers withdraw funds from trust by way of trust cheque, and then use the trust cheque to purchase bank drafts. This is not prohibited by the Rules. Although payment could be made instead via Electronic Fund Transfer, some contractual arrangements require the payment to be made by bank draft, and therefore purchasing a bank draft is sometimes necessary. While not prohibited, this practice is not ideal as the accounting records are less robust. More

¹ See, for example, *The Law Society of British Columbia v. Chaudhry* 2018 LSBC 31 at para. 82.

troubling, however, is the fact that some banks return the trust cheque to the lawyer without processing it, and instead transfer funds from the trust account to a holding account from which to draw the bank draft. This practice ends the audit trail because the trust cheque is never processed, and there is no link between bank draft and the trust account.

There are also instances of lawyers having closed out trust accounts by way of purchasing a bank draft, but then leaving the bank draft in the files without sending it to the payee. This frustrates the spirit of the rule because while the account has been reduced to zero, the intended recipient of the trust funds does not have them.

An alternative is possible. Rules in Alberta (see Appendix) create a possible solution to the traceability of bank drafts. Staff are of the view that this approach would better facilitate the auditing processes of tracking where funds went or are supposed to go.

Proposed Solution

As a result of the review of the matter by the Executive Committee, the Committee recommends adopting an approach, similar to that in used Alberta, that would permit withdrawal from trust by way of bank draft, but would also require the keeping of certain records, as follows:

1. the lawyer has written consent from the recipient to receive the funds via a bank draft;
2. the lawyer obtains a signed requisition form, similar to the Law Society's electronic fund transfer form),² indicating the source of the funds and the payee (the lawyer would bring a standard form for signature or stamping at the bank or savings institution); and
3. the lawyer documents acknowledgement by the payee of receipt of the bank draft.

Current policy, as reflected in the Law Society Rules, is to prohibit the withdrawal of funds from trust by way of bank draft. This proposal would change Law Society policy on that matter, recognizing limited circumstances where bank drafts were desirable, while providing for particular documents to be in place in order to preserve an audit trail. It would also reduce the availability of lawyers clearing their trust balances by buying a bank draft with left over trust funds but leaving the draft in the account and never assuring that the true owner of the funds has received them.

The Committee noted that it was unsure how long bank drafts would remain as an effective same day payment regime, and it might be that bank drafts fall out of use at a future date, at least for the purpose of closing transactions. However, this proposed policy change will create an audit trail where bank drafts are used, and will prevent the practice of purchasing bank drafts in order

² For reference purposes, see: <https://www.lawsociety.bc.ca/Website/media/Shared/docs/forms/trust/eft-requisition.pdf>

to close out trust accounts unless the proper recipient of the funds acknowledges receipt of the bank draft.

Proposed Resolution and Next Steps

The Committee recommends the following resolution:

That the Benchers agree in principle to permit the withdrawal of funds by way of bank draft from a trust account on the conditions described above, and to refer the matter to the Act and Rules Committee to amend the Rules accordingly.

/Appendix

Appendix

Law Society Rules (Alberta)

119.46 (1) Trust withdrawals may be made by a bank draft or money order in the form designated by the Executive Director.

(2) If a withdrawal is made by a bank draft or money order, the lawyer shall:

- (a) obtain the recipient's authorization to receive the funds in the form of a bank draft or money order in writing;
- (b) document the transaction on the client's file using the designated form;
- (c) purchase the money order only at a financial institution where the law firm has a pooled trust account;
- (d) maintain a copy of the bank draft or money order on the client's file; and
- (e) obtain acknowledgment of receipt of the funds by the recipient in writing



CEO's Report to the Benchers

April 23, 2021

Prepared for: Benchers

Prepared by: Don Avison, QC

1. **COVID-19 Update**

As Benchers will know, the COVID-19 transmission numbers remain concerning with new case reports at, or above, 1,000 per day for some time and we have also seen an escalation in the numbers of positive tests for variants that are reported to be more contagious.

With Law Society operations we continue to exercise a high degree of vigilance and workplace health and safety management.

The Senior Leadership Team have had the benefit of work done by our “Return to the New (Next) Normal [RTN²] Committee” and our plan is to be a leader in post-COVID workplace strategies. I plan to update Benchers on the direction of that work but, in the interim, I do wish to express my thanks to Jeanette McPhee, Natasha Dookie, Michael Soltynski, Hilary Stoddart and Janet Nacario for all of the time and creativity that they have dedicated to this important project.

2. **Cullen Commission**

The Commission’s mandate has been modified to extend the reporting date to December 15, 2021 but the evidence phase is now nearing completion.

I plan to provide Benchers with a summary of recent proceedings and issues of particular relevance to the Law Society.

I would also note that a meeting of the Law Society’s Anti-Money Laundering Working Group is planned to consider the submissions the Law Society will want to ask the Commission to consider.

3. **Provincial Government Speech from the Throne and 2021/22 Budget**

The Lieutenant Governor of B.C. delivered a Speech from the Throne in the Legislative Assembly on Monday, April 12, 2021.

The speech set an optimistic tone, while recognizing the continuing challenges associated with the COVID-19 pandemic.

There were a number of key themes, including the following:

- government will take further steps to act on the principles set out in the *Declaration on the Rights of Indigenous Peoples Act*; and

- the government will take steps to “dismantle systemic discrimination” and may introduce legislation to establish an anti-racism law.

There was a modest reference to the administration of justice and challenges resulting from the pandemic.

As has become custom with the Speech from the Throne, the Lieutenant Governor also mentioned prominent British Columbians who had passed away over the course of the past year. This included acknowledgement of the contributions of Joe Arvay, QC and Constance Isherwood, QC. I would add that, on the following day, the Minister of Indigenous Relations and Reconciliation acknowledged the passing of Paul Jarman who made many important contributions to the administration of justice throughout his career with the Ministry of the Attorney General.

The provincial budget will be delivered by the Minister of Finance on April 20, 2021. President Lawton and Communications Director Jason Kuzminski will be attending the pre-budget “lock-up” on behalf of the Law Society. I then plan to provide an overview of the key elements of the budget at the April 23rd meeting of the Benchers.

4. Annual Federation Conference and Law Society Retreat

Whether either of these events will be able to proceed in person in October of this year remains uncertain at this point.

The Federation Conference, scheduled to take place in Saskatoon, will focus on “Challenges Facing New Entrants to the Profession”. The planning committee has agreed that, in the event that an in-person gathering is not possible, the program will be delivered virtually.

We remain cautiously optimistic that the Law Society Retreat will go ahead in October. The targeted vaccination program in the host community, coupled with the likelihood that most Benchers and senior staff will have had the benefit of vaccines by that point, suggest it may be reasonable to continue retreat planning. Details on program content are currently under discussion and Benchers can expect further information on this in due course.

Additionally, staff are in communication with the Attorney General’s office regarding the Queen’s Council Reception and whether or not an in-person event will be held this year. The Bench and Bar Dinner has been cancelled for 2021, and instead will be held in early March 2022, with planning underway.

5. Innovation Sandbox

At the April 23rd meeting, I will again provide an update on Sandbox proposals and our plans for communicating outcomes/status to the public and the profession.

In the interim, I have included a link to an excellent article on the importance of such initiatives. While the content is more specific to what appears to be emerging in Ontario, I believe the general observations are quite applicable to what we are attempting to do here in British Columbia.

Link: [Fingers Crossed for a Sandbox!](#)

Don Avison, QC
Chief Executive Officer



Memo

To: Benchers
From: Executive Committee
Date: April 13, 2021
Subject: Mediators, Arbitrators and Parenting Co-ordinators Retainers and Trust Accounts

Background

In July 2019, the Benchers unanimously approved the implementation of Rule changes recommended by the Act and Rules Committee based on the October 2018 report of the Federation of Law Societies' Anti-Money Laundering and Terrorist Financing Working Group. That report recommended a Model Rule that restricted the use of trust accounts to transactions or matters for which the legal professional or the legal professional's firm is providing legal services.

Acting on that recommendation, the Benchers created Rule 3-58.1 that states *"a lawyer or law firm must not permit funds to be paid into or withdrawn from a trust account unless the funds are directly related to legal services provided by the lawyer or law firm."*

In February 2020, the Law Society advised the profession that, because neither mediation or arbitration is the practice of law, *"mediators and arbitrators who take pre-payment of fees for their services from parties or the parties' counsel must not deposit these funds into their trust account regulated by the Law Society."* Soon after the advisory was released, lawyers who provide family law mediation services responded that the Law Society's direction would require two accounts – one for the mediation and one for the agreement preparation - and that it was impossible to parse out the time allocated to the mediation and time allocated to *"legal services"* in order to determine what portion of retainers must be deposited into a trust account.

The Executive Committee considered the matter in the spring of 2020, and proposed that the definition of "trust funds" be amended to exclude retainers received for the provision of legal services incidental to the provision of mediation or arbitration services by a lawyer. The amendment would permit the entire retainer to be placed in an account other than the lawyer's trust account, and therefore lawyers would not have to bifurcate the retainer.

At the 2020 Annual General Meeting, a member resolution was passed directing the Benchers, inter alia, to permit practising lawyers acting as mediators, arbitrators and parenting coordinators to deposit retainers received into their lawyer trust accounts in accordance with the Law Society Rules.

Consideration

The intention behind Rule 3-58.1 is to ensure that lawyers use their trust accounts only for the legitimate purposes for which they are established, namely to aid in the completion of a transaction in which the lawyer or law firm plays a role as legal advisor and facilitator.¹ The use of the phrase “directly related to legal services” in Rule 3-58.1 was intended to encapsulate this concept in the Rule.

Although mediation, arbitration and parenting coordinator services are provided by lawyers, none of these services is the practice of law in British Columbia. However, since providing the direction regarding mediation and arbitration retainers and lawyer trust account, it has become apparent that the provision of mediation and arbitration services by lawyers is more complicated than the direction supposed.

Where services that are the practice of law are provided in conjunction with mediation and arbitration services, which the Committee was advised does happen, the careful segregation of the retainer into the amount that *must* go into the lawyer’s trust account from the amount of the retainer that *must not* is difficult, if not impossible, to do in advance.

The Committee was also advised that the implementation of the Model Rule on which Rule 3-58.1 is based in other Canadian jurisdictions is not being consistently applied to preclude mediation and arbitration retainers from being deposited in lawyer trust accounts.

Finally, the Committee was advised that it is highly unlikely that the deposit of mediation and arbitration retainers in lawyer trust accounts is the type of mischief that the Model Rule was intended to prevent and that the risk of money laundering or other illegal activity is, in this context, low.

Recommendation

After considering all of the options that have been advanced since the communication in February 2020, the Executive Committee agreed to recommend to the Benchers that Rule 3-58.1 be amended to allow retainers received by lawyers providing mediation, arbitration and parenting co-ordination services to be deposited to their lawyer trust accounts. The Committee believes this is a practical response to the issues raised since the February 2020 communication as it would only apply to the deposit of retainers for these services and is unlikely to compromise the purpose for which Rule 3-58.1 was created.

¹ *Law Society of BC v. Skogstad*, 2008 LSBC 19 at paragraph 61. See also *Law Society of BC v. Gurney* 2017 LSBC 15 and *Law Society of BC v. Hammond* 2020 LSBC 18.



Review of Law Society Crest and Motto

Governance Committee

Jeevyn Dhaliwal, QC (Chair)
Christopher A. McPherson, QC (Vice-Chair)
Pinder K. Cheema, QC
Dr. Jan Lindsay
Linda I. Parsons, QC
Michael F. Welsh, QC
Guangbin Yan

Date: April 23, 2021

Prepared for: Benchers

Prepared by: Staff

Purpose: Decision

Background

1. As set out in the Committee's mandate letter, President Lawton requested that the Committee consider modernizing the Law Society's crest and Latin motto.
2. The Committee reviewed the origin and history of the Law Society's crest and the motto contained within that crest, along with examples of the logos and mottos of other Canadian law societies (Appendix A).
3. The Law Society's crest and motto were created in 1897 when the Benchers of the day commissioned Reverend Canon Beanlands, Dean of Victoria's Christ Church Cathedral, to design a crest and prepare a motto. Regarding the crest, Alfred Watts, QC, in his history of the Law Society, wrote that *"On the assumption that Canon Beanlands would have consulted the College of Arms concerning the Crest an inquiry was made of the Richmond Herald of Arms, J.P. Brooks-Little Esq., as to its make up and the following reply was received, 'I am afraid that Canon Beanlands did not consult an officer of the College of Arms when he designed the emblem for the Law Society of British Columbia and had he done so I am sure that he would have been informed that it was quite wrong to use the Royal Crest or an imitation of the Royal Crest as part of the device.'"*¹
4. Regarding the Latin motto, it does not appear that the motto *LEX LIBERORUM REX* was the product of any particular quotation or reference, but that Dean Beanlands drew on his knowledge of early Roman history, noting that after the last of the kings was expelled, the body of Roman law emerged and the free citizens of Rome were then subject to 'Lex' rather than 'Rex'. (The exact translation of the motto remains unclear, and inputting the motto into Google Translation results in "The law is/of children of the king" or just "The law king".)

Discussion

5. As a starting point in relation to the President's request, the Committee considered whether, in 2021, the Law Society needs a motto and a crest or whether a more contemporary logo or symbol might be sufficient.
6. The Committee also considered that the Truth and Reconciliation Advisory Committee was asked to consider whether the Law Society should find an appropriate replacement for the Begbie statue formerly in the lobby of the Law Society building. The Committee Chair raised this matter at the February 18 Executive Committee meeting, and advised the Executive Committee of the Committee's concerns regarding potential overlap with

¹ Alfred Watts, QC, History of the Legal Profession in British Columbia 1869-1984 (Vancouver: Evergreen Press Limited, 1984) 5

the work of the Truth and Reconciliation Advisory Committee in determining an appropriate symbol to replace the Begbie statue. It was agreed that the Executive Committee would act as liaison between the Governance Committee and the Truth and Reconciliation Advisory Committee to provide any coordination necessary.

7. In reviewing the crest and the motto, the Committee agreed that a motto – especially a Latin motto – was no longer necessary and instead, the Law Society’s crest should be replaced with a logo that is more reflective of British Columbia and representative of the Law Society in 2021.
8. As the expectation is that this project will require time, money, and resources, and the need to engage with the public, the profession, and Indigenous communities on ideas for a new logo, the Committee decided that it should advise the Benchers of its conclusions prior to embarking on the task of developing an appropriate replacement for the crest.

Recommendation

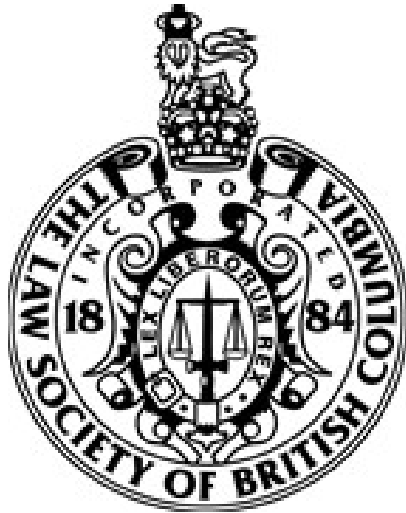
9. The Committee recommends to the Benchers that the Law Society crest be replaced and that a motto is no longer necessary. The Committee also recommends that the Benchers authorize the Committee to undertake the necessary consultations and to use Law Society resources as may be necessary to provide the Benchers with a proposal for a new logo.



Law Society of British Columbia

The Emblem

Law Society of British Columbia



The Law Society
of British Columbia



The Law Society
of British Columbia



Law Society of Alberta



Law Society of Saskatchewan



Law Society of Manitoba



**The Law Society
of Manitoba**
INCORPORATED 1877 | INCORPORÉ EN 1877

Law Society of Ontario



Barreau du Québec



Barreau
du Québec



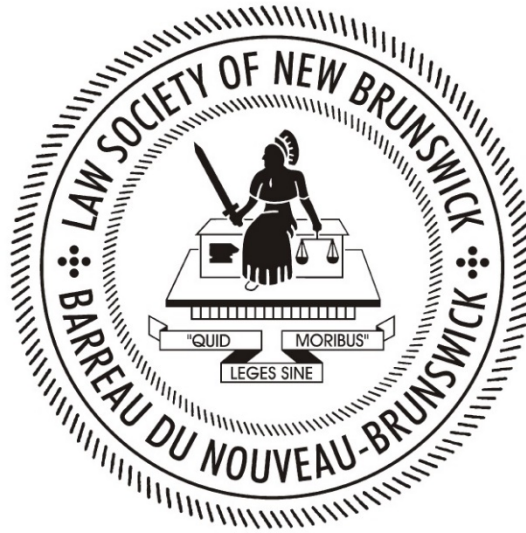
Barreau
du Québec



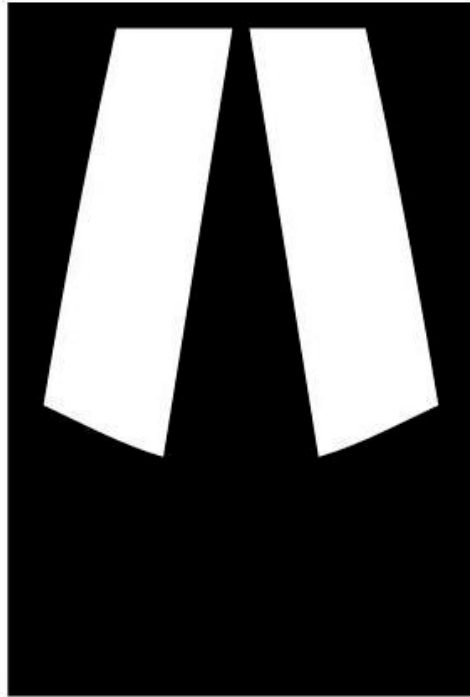
Chambre des notaires du Québec



Law Society of New Brunswick



Nova Scotia Barristers' Society



**NOVA SCOTIA
BARRISTERS' SOCIETY**



NOVA SCOTIA
BARRISTERS' SOCIETY

Law Society of Prince Edward Island



Law Society of Newfoundland and Labrador

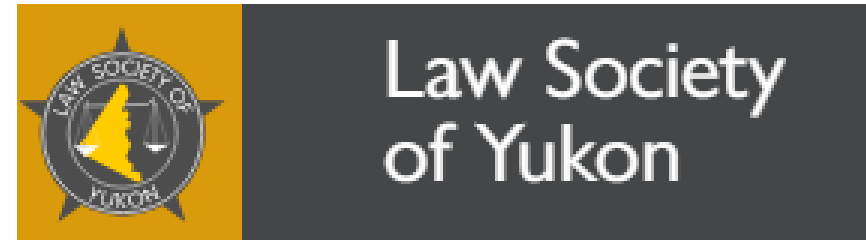


LAW SOCIETY
Newfoundland & Labrador



LAW SOCIETY
Newfoundland & Labrador

Law Society of Yukon



Law Society of the Northwest Territories





Memo

To: Benchers
From: Executive Committee
Date: April 9, 2021
Subject: Recognition of Law Society Members Policy

Background

At the April 8, 2021 Executive Committee meeting, the President reviewed a request from a member proposing that the Law Society determine a form of recognition for a recently deceased member.

The Committee noted that in past twelve months the Law Society has published In Memoria for Mark Andrews QC, Gordon Turriff QC, and Joe Arvay QC, and at the March 2020 Benchers meeting, following the death of Mr. Andrews, established the Mark Andrews Excellence in Litigation Award. In addition to the longstanding Law Society Award that is awarded every second year, the Committee was also reminded that the Law Society has in recent years established four additional awards in recognition of members of the bar:

1. Law Society Equity, Diversity and Inclusion Award
2. Law Society Excellence in Family Law Award
3. Law Society Award for Leadership in Legal Aid
4. Law Society Pro Bono Award

The Committee also noted that the Law Society has for a number of years recognized, with a luncheon and certificate, those who have been members of the Law Society for 50, 60 and even 70 years.

Overall, it was apparent to the Committee that the Law Society has in the past recognized the accomplishments of members by various means and has done even more so in recent years.

It was noted, however, that in addition to those already mentioned, a number of other well-known members of the Bar and former Benchers have also passed away in the last 12 months: Peter Hogg CC QC FRSC, Gerald Lecovin, QC Lance Finch QC OBC, Ron Toews QC, Constance Isherwood QC and most recently Ian Waddell QC.

The Committee discussed the Law Society's practice of creating awards, and whether or not it was the role of the Law Society to create additional awards, or whether the practice was better

suited for the Canadian Bar Association BC Branch and other similar organizations. The Committee also discussed whether or not the Law Society should be honouring deceased members in some particular way.

The Committee concluded that in light of the various considerations involved, the Law Society should not create any new awards. Staff was asked to draft a policy regarding Law Society recognition of members for consideration and approval by the Benchers.

Recognition of Members Policy

The Law Society has, in the past, been obliged to develop policy statements regarding when various requests will be granted, such as whether the Law Society will fund a program or project or when the Law Society will provide member contact information to third parties. These policies are not binding on the Benchers but they do articulate for the benefit of others the general practice and expectation of the Law Society and Benchers.

With that in mind, the attached Appendix provides a draft policy for discussion. Following the discussion at this meeting, any comments or suggestions will be considered in relation to proposing the final wording of a policy to be considered and approved at the May Bencher meeting.

Appendix

WHEREAS

- A. *Many members of legal profession contribute significantly to the profession, to the administration of justice and to society in general;*
- B. *The contributions of such members of the legal profession deserve to be recognized and honoured;*
- C. *There are a number of institutions and organizations in BC that can speak for and on behalf of lawyers; and*
- D. *The Law Society is a regulatory body with a mandate to regulate lawyers.*

THEREFORE

- 1. *The Law Society will recognize the contributions of individual lawyers in memoriam at appropriate Law Society events and will communicate to the profession and the public about the contributions of current and former lawyers where the contributions merit special recognition in the view of the Benchers and*
- 2. *The Law Society will not recognize the contributions of individual lawyers through either the naming, creating or awarding of particular awards, scholarships, bursaries or through the creation of institutes, foundations or similar organizations, other than those already approved and in place.*

The Law Society
of British Columbia



Quarterly Financial Report

March 31, 2021

Prepared for: Finance & Audit Committee Meeting - April 21, 2021
Bencher Meeting - April 23, 2021

Prepared by: The Finance Department

Quarterly Financial Report - End of March 2021

Attached are the financial results and highlights to the end of March 2021.

General Fund

General Fund (excluding capital and TAF)

In the first quarter of 2021, the General Fund operations resulted in a positive variance to budget. This was mainly due to timing differences for revenues and operating expenses.

Revenue

Revenue for the period was \$7.8 million, \$1.1 million (17%) ahead of budget for the quarter. This was primarily due to higher than expected practice fees for the period.

The 2021 practice fee budget projected a lower number of practicing lawyers due to the unknown impact of COVID-19, with the budget set at 12,673. Over 2020 and into 2021, the number of practicing lawyers has not decreased so practice fee revenue is projected to be over budget. A small amount of this increase has occurred in the first quarter.

The other factor impacting the practice fees for the first quarter is timing related. Several government agencies were allowed to pay the second instalment early in the year as a one-time allowance only, due to operational issues. This is only a timing issue as these practice fees are budgeted later in the year.

At this time, all other revenue variances are timing differences.

Operating Expenses

Operating expenses for the period were \$6.5 million, \$599,000 (8%) below budget mainly due to timing differences. As noted, \$261,000 of the timing differences are related to the timing of external counsel fees.

TAF-related Revenue and Expenses

TAF receipts of \$143,000 were received after the 2020 year-end financial statement cutoff. First quarter 2020 TAF revenues are not received until the April/May time period.

Trust assurance program costs are below budget with lower travel and compensation costs.

BCREA is forecasting 2021 real estate unit sales to increase 15.6% over 2020 unit sales, so TAF receipts are expected to be on or over budget for the year.

Lawyers Indemnity Fund

LIF revenues were \$5.5 million to date, compared to a budget of \$6.1 million, mainly due to lower than budgeted investment income.

LIF operating expenses were \$1.9 million compared to a budget of \$2.1 million, with savings related to compensation costs and external fees.

At the end of March 2021, the market value of the LIF long term investment portfolio was \$215 million. The investment return to the end of February was -1.02% compared to a benchmark of 0.02%.

As approved by the Benchers, the LIF portfolio asset mix now includes infrastructure funds, and these contracts are now in place. It is expected that the infrastructure funds will make their capital calls over the next 12 - 18 months.

Summary of Financial Highlights (\$000's)

2021 General Fund Results - YTD March 2021 (Excluding Capital Allocation & Depreciation)				
	Actual	Budget	\$ Var	% Var
Revenue (excluding capital)				
Practice fees	6,572	5,797	775 *	13%
PLTC and enrolment fees	72	41	31	76%
Electronic filing revenue	280	162	118	73%
Interest income	83	64	19	30%
Credentials & membership services	207	158	49	31%
Fines, penalties & recoveries	242	100	142	142%
Insurance Recoveries	-	-	-	0%
Other revenue	29	29	-	0%
Other cost recoveries	-	5	(5)	-100%
Building revenue & tenant cost recoveries	356	365	(9)	-2%
	<u>7,841</u>	<u>6,721</u>	<u>1,120</u>	<u>17%</u>
Expenses (excluding depreciation)	<u>6,541</u>	<u>7,140</u>	<u>599</u>	<u>8%</u>
	<u>1,300</u>	<u>(419)</u>	<u>1,719</u>	

Summary of Variances to Date - March 2021

*The Practice fee variance to date is primarily comprised of a timing difference related to the early billing of the second instalment for select government agencies who requested early billing for 2021.

Revenue Variances:

Permanent Variances

Practice fees	59
Other misc. permanent variances	35
	<u>94</u>

Timing Differences

Early second Installment payment of practice fees	700
Other misc. timing differences	326
	<u>1,026</u>
	<u>1,120</u>

Expense Variances:

Timing Differences

External counsel fee timing	261
Other miscellaneous timing differences	338
	<u>599</u>

Trust Assurance Program Actual

	2021 Actual	2021 Budget	Variance	% Var
TAF Revenue**	143	-	143	-
Trust Assurance Department	758	846	88	10.4%
Trust Assurance Program	<u>(615)</u>	<u>(846)</u>	<u>231</u>	
Use of TAF Reserve	-	-	-	
Net Trust Assurance Program	<u>(615)</u>	<u>(846)</u>	<u>231</u>	

** Q1 revenue not due until April 30th - small amount relating to Q4, 2020, received after completion of audit

If the real estate unit sales dropped 25%, and there was a TAF revenue reduction of \$875,000, would use half of the TAF reserve
Note: during 2008 financial crisis, TAF reduced 30%, during 2016 real estate market drop, TAF reduced 20%

2021 Lawyers Indemnity Fund Long Term Investments - YTD February 2021 Before investment management fees

Performance	-1.02%
Benchmark Performance	0.02%

The Law Society of British Columbia
General Fund
Results for the 3 Months ended March 31, 2021
(\$000's)

	2021 Actual	2021 Budget	\$ Variance	%
REVENUE				
Practice fees (1)	7,441	6,682	759	11%
PLTC and enrolment fees	72	41	31	76%
Electronic filing revenue	280	162	118	73%
Interest income	83	64	19	30%
Credentials and membership services	207	158	49	31%
Fines, penalties and recoveries	202	69	133	193%
Program Cost Recoveries	40	31	9	29%
Insurance Recoveries	-	-	-	0%
Other revenue	29	29	-	0%
Other Cost Recoveries	-	5	(5)	0%
Building Revenue & Recoveries	356	365	(9)	-2%
Total Revenues	8,710	7,606	1,104	14.5%
EXPENSES				
Benchers Governance and Events				
Benchers Governance	176	286	110	38%
Board Relations and Events	64	73	9	12%
	240	359	119	33%
Corporate Services				
General Office	137	191	54	28%
CEO Department	177	190	13	7%
Finance	262	274	12	4%
Human Resources	109	156	47	30%
Records Management	49	66	17	26%
	734	877	143	16%
Education and Practice				
Licensing and Admissions	208	264	56	21%
PLTC and Education	762	708	(54)	-8%
Practice Standards	107	112	5	4%
Practice Support	-	13	13	100%
	1,077	1,097	20	2%
Communications and Information Services				
Communications	116	142	26	18%
Information Services	519	434	(85)	-20%
	635	576	(59)	-10%
Policy and Legal Services				
Policy and Legal Services	401	369	(32)	-9%
Tribunal and Legislative Counsel	121	156	35	22%
External Litigation & Interventions	-	13	13	100%
Unauthorized Practice	74	81	7	9%
	596	619	23	4%
Regulation				
CLO Department	221	209	(12)	-6%
Intake & Early Assessment	514	524	10	2%
Discipline	716	709	(7)	-1%
Forensic Accounting	201	291	90	31%
Investigations, Monitoring & Enforcement	777	900	123	14%
Custodianships	397	506	109	22%
	2,826	3,139	313	10%
Building Occupancy Costs	433	473	40	8%
Depreciation	251	290	39	13%
Total Expenses	6,792	7,430	638	8.6%
General Fund Results before Trust Assurance Program	1,918	176	1,742	
Trust Assurance Program (TAP)				
TAF revenues	143	-	143	0.0%
TAP expenses	758	846	88	10.4%
TAP Results	(615)	(846)	231	27.3%
General Fund Results including Trust Assurance Program	1,303	(670)	1,973	

(1) Membership fees include capital allocation of \$869k (Capital allocation budget = \$885k)

The Law Society of British Columbia
General Fund - Balance Sheet
As at March 31, 2021
(\$000's)

	Mar 31 2021	Mar 31 2020
Assets		
Current assets		
Cash and cash equivalents	10,257	23,064
Unclaimed trust funds	2,006	2,250
Accounts receivable and prepaid expenses	937	1,074
Due from Lawyers Insurance Fund	16,146	13,021
	<u>29,347</u>	<u>39,409</u>
Property, plant and equipment		
Cambie Street property	11,700	11,984
Other - net	1,750	1,731
	<u>13,450</u>	<u>13,716</u>
Long Term Loan	535	446
	<u><u>43,332</u></u>	<u><u>53,571</u></u>
Liabilities		
Current liabilities		
Accounts payable and accrued liabilities	2,229	4,159
Liability for unclaimed trust funds	2,006	2,250
Current portion of building loan payable	100	500
Deferred revenue	7,609	18,037
Deposits	86	90
	<u>12,031</u>	<u>25,036</u>
Building loan payable	<u>-</u>	<u>100</u>
	12,031	25,136
Net assets		
Capital Allocation	4,205	3,693
Unrestricted Net Assets	27,096	24,741
	<u>31,301</u>	<u>28,435</u>
	<u><u>43,332</u></u>	<u><u>53,571</u></u>

The Law Society of British Columbia
General Fund - Statement of Changes in Net Assets
Results for the 3 Months ended March 31, 2021
(\$000's)

	<i>Invested in Capital</i> \$	<i>Working Capital</i> \$	<i>Unrestricted Net Assets</i> \$	<i>Trust Assurance</i> \$	<i>Capital Allocation</i> \$	<i>2021 Total</i> \$	<i>Year ended 2020 Total</i> \$
Net assets - At Beginning of Year	12,950	11,282	24,232	2,072	3,693	29,998	26,247
Net (deficiency) excess of revenue over expense for the period	(358)	1,407	1,049	(615)	869	1,303	3,750
Contribution to LIF				-		-	
Repayment of building loan	100	-	100	-	(100)	-	-
Purchase of capital assets:						-	
LSBC Operations	51	-	51	-	(51)	-	-
845 Cambie	207	-	207	-	(207)	-	-
Net assets - At End of Period	12,950	12,689	25,639	1,457	4,204	31,301	29,998

The Law Society of British Columbia
Lawyers Indemnity Fund
Results for the 3 Months ended March 31, 2021
(\$000's)

	2021 Actual	2021 Budget	\$ Variance	% Variance
Revenue				
Annual assessment	4,122	3,948	174	4%
Investment income	1,327	2,132	(805)	-38%
Other income	65	16	49	306%
Total Revenues	5,514	6,096	(582)	-9.5%
Expenses				
Insurance Expense				
Provision for settlement of claims	4,488	4,488	-	0%
Salaries and benefits	770	900	130	14%
Contribution to program and administrative costs of General Fund	347	345	(2)	-1%
Provision for ULAE	-	-	-	0%
Insurance	134	111	(23)	-21%
Office	130	271	141	52%
Actuaries, consultants and investment brokers' fees	249	224	(25)	-11%
Special fund - external counsel fees	5	-	(5)	0%
Premium taxes	-	8	8	100%
Income taxes	-	5	5	100%
	6,123	6,352	229	4%
Loss Prevention Expense				
Contribution to co-sponsored program costs of General Fund	228	253	25	10%
Total Expenses	6,351	6,605	254	3.8%
Lawyers Insurance Fund Results	(837)	(509)	(328)	

The Law Society of British Columbia
Lawyers Indemnity Fund - Balance Sheet
As at March 31, 2021
(\$000's)

	Mar 31 2021	Mar 31 2020
Assets		
Cash and cash equivalents	3,736	8,868
Accounts receivable and prepaid expenses	778	639
Current portion General Fund building loan	100	500
LT Portion of Building Loan	-	100
Investments	214,649	176,116
	<u>219,263</u>	<u>186,223</u>
Liabilities		
Accounts payable and accrued liabilities	768	501
Deferred revenue	4,310	4,200
Due to General Fund	16,146	13,021
Due to Special Compensation Fund	-	25
Provision for claims	75,521	75,837
Provision for ULAE	12,222	11,860
	<u>108,967</u>	<u>105,444</u>
Net assets		
Internally restricted net assets	17,500	17,500
Unrestricted net assets	92,796	63,279
	<u>110,296</u>	<u>80,779</u>
	<u>219,263</u>	<u>186,223</u>

The Law Society of British Columbia
Lawyers Indemnity Fund - Statement of Changes in Net Assets
Results for the 3 Months ended March 31, 2021

	Unrestricted \$	Internally Restricted \$	2021 Total \$	2020 Total \$
Net assets - At Beginning of Year	93,634	17,500	111,134	97,921
Net excess of revenue over expense for the period	(838)	-	(838)	13,213
Net assets - At End of Period	92,796	17,500	110,296	111,134

The Law Society
of British Columbia



2021 Forecast

March 2021

Prepared for: Finance & Audit Committee Meeting - April 21, 2021
Bencher Meeting - April 23, 2021

Prepared by: The Finance Department

Forecast - as at March 2021

Attached is the General Fund forecast to the end of the fiscal year.

Overview

Although early in the year, we are projecting to be ahead of budget \$570,000. As the 2021 budget was budgeted with a deficit of \$650,000, this deficit will be mainly offset by year end.

Revenue Forecast

At this time, revenue is projected at \$29.2 million, \$691,000 (2%) ahead of budget, primarily due to higher than budgeted practicing lawyers.

Practice Fees: The 2021 practice fee budget projected a lower number of practicing lawyers due to the unknown impact of COVID-19 on the economy and the legal profession, with the budget set at 12,673 practicing lawyers. Over 2020 and into 2021, the number of practicing lawyers has not decreased so practice fee revenue is projected to be over budget. The current number of practicing lawyers is currently 13,015, compared to a budget of 12,673. Assuming that the number of practicing lawyers stays constant to the end of the 2021, practice fee revenue will be over budget approximately \$600,000.

Operating Expenses Forecast

At this time, operating expenses are projected to be very close to budget, at \$29.3 million, or \$124,000 (0.4%) over budget. We are projecting that external counsel fees will be higher than budget, and there will be additional costs associated with the governance review and cybersecurity measures, which are partially offset by lower travel and meeting costs and increased staff vacancy savings.

External Counsel Fees: With increases in the number and complexity of file loads, external counsel fees are projected to be over budget approximately \$400,000. This increase is expected to occur mainly in Investigations, Monitoring & Enforcement (IME) and Legal Defence. The increase in IME is related to a higher number of complex securities referrals that require external expertise. The increase in Legal Defense is due to a large number of appeals and judicial reviews.

Governance Review: The unbudgeted costs of the governance review are expected to be in the range of \$100,000.

Information services: With increased risks in cyber security, our cyber security program has been enhanced, with new programs and training in place to detect and protect against cyber threats, with costs estimated at \$60,000 per year.

Meetings and Travel Savings: The 2021 budget reduced Bencher and staff travel and meeting costs by 50% due to the pandemic. With the pandemic continuing, it is likely that there will be even further savings in Bencher and staff travel and meeting costs, so we have projected another \$300,000 in savings across all departments.

The Law Society of British Columbia
General Fund Forecast
For the 12 Months ending December 31, 2021
(\$000's)

	Forecast vs Budget			
	Q1		\$	%
	Forecast	Budget	Variance	
REVENUE				
Practice fees	23,796	23,188	608	3%
PLTC and enrolment fees	1,820	1,753	67	4%
Electronic filing revenue	700	700	-	0%
Interest income	255	255	-	0%
Credentials and membership services	634	634	-	0%
Fines, penalties and recoveries	295	275	20	7%
Program Cost Recoveries	122	122	-	0%
Other revenue	196	187	9	5%
Other Cost Recoveries	9	9	-	0%
Building Revenue & Recoveries	1,369	1,382	(13)	-1%
Total Revenues	29,196	28,505	691	2%
EXPENSES				
Benchers Governance and Events				
Bencher Governance	634	635	1	0%
Board Relations and Events	297	298	1	0%
	931	933	2	0%
Corporate Services				
General Office	760	778	18	2%
CEO Department	799	808	9	1%
Finance	1,131	1,134	3	0%
Human Resources	692	695	3	0%
Records Management	261	271	10	4%
	3,642	3,686	44	1%
Education and Practice				
Licensing and Admissions	1,840	1,904	64	3%
PLTC and Education	2,750	2,864	114	4%
Practice Standards	458	466	8	2%
Practice Support	65	70	5	8%
	5,113	5,304	191	4%
Communications and Information Services				
Communications	541	541	-	0%
Information Services	1,785	1,725	(60)	-3%
	2,326	2,266	(60)	-3%
Policy and Legal Services				
Policy and Legal Services	1,649	1,459	(190)	-13%
Tribunal and Legislative Counsel	596	630	34	5%
External Litigation & Interventions	50	50	-	0%
Unauthorized Practice	331	332	1	0%
	2,626	2,471	(155)	-6%
Regulation				
CLO Department	875	875	-	0%
Intake & Early Assessment	2,207	2,135	(72)	-3%
Discipline	2,895	2,821	(74)	-3%
Forensic Accounting	1,075	1,182	107	9%
Investigations, Monitoring & Enforcement	3,798	3,664	(134)	-4%
Custodianships	1,844	1,846	2	0%
	12,693	12,523	(170)	-1%
Building Occupancy Costs	1,948	1,972	24	1%
Total Expenses	29,279	29,155	(124)	0%
General Fund Results	(83)	(650)	567	

FALL 2020 BC JUSTICE SUMMIT

Report of Proceedings

Diversion and Alternatives to Short-Term Incarceration

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Executive Summary

The theme of the Fall 2020 BC Justice Summit was “Diversion and Alternatives to Short-Term Incarceration”. Participants engaged in four breakout sessions during the Justice Summit spanning topics including the current state, a vision for the future, obstacles and barriers, and practical strategies for moving forward.

The fourteen themes provided below are intended to summarize and reflect concepts that were prominently and/or frequently expressed by participants within Justice Summit breakout discussions; however, readers are encouraged to interpret these themes with caution and refer to the “Summary of Themes” section of this report for additional background. Additionally, Justice Summit participants frequently emphasized that addressing the overrepresentation of Indigenous people in the criminal justice system must be a priority when considering each of these themes. The goal statements associated with each theme have been developed to provide justice, public safety and other social sector organizations with an open-ended opportunity to identify priorities for their organization(s) that align to this report, and to orient future strategies and actions towards achievement of these goals.



Leadership, Governance and Mandate Alignment

Goal Statement #1: Under the direction of committed leaders, social, health, justice and public safety organizations collaboratively address the social and health determinant risk factors that contribute towards offending behaviours and associated societal concerns.



Research and Information Gathering

Goal Statement #2: Justice, public safety and social sector organizations have access to an evergreen database of provincial services, supports and viable alternatives to short-term incarceration that includes information on the duration, capabilities, capacity and outcomes of available programs.



Legislation and Policy

Goal Statement #3: Through the strengthening of legislation, organizations throughout the justice, public safety and social sector have aligned applicable policy

frameworks to promote increased utilization of diversion and other alternatives to short-term incarceration.

Goal Statement #4: Legislation and policy frameworks have been reformed to reflect and align with the principles of Indigenous justice and self-determination.

Goal Statement #5: Legislation and policy frameworks have clarified the roles of various justice and public safety organizations with respect to the initiation of social and health-focused interventions and the administration of supports and services.



Investment and Resource Allocation

Goal Statement #6: Funding organizations are aligned to ensure fair, stable, evidence-based programs and services are provided to clients, with a focus on achieving unified outcomes.



Shifting Public and Organizational Perceptions

Goal Statement #7: Public perceptions have moved away from entrenched crime and punishment beliefs towards cultural values that prioritize mutual accountability and holistic community wellness in relation to criminal behaviour that does not present public safety and security risks.

Goal Statement #8: The justice and public safety, social and health sector organizations have established organizational cultures and training strategies that promote prevention and early intervention as the preferred approach to address social and health challenges, including criminal behaviour.



Service and Support Integration and Continuity

Goal Statement #9: Organizations have maximized service and support integration and provide programming to clients at the earliest possible opportunity and in all settings.

Goal Statement #10: Service provider organizations are sufficiently resourced to enable timely and effective program delivery across the province and offer viable diversion and sentencing alternatives for justice and public safety system participants.



Social and Health Sector Commitment

Goal Statement #11: Social and health sector organizations throughout British Columbia are leaders in providing proactive, integrated, accessible, compassionate, and person-centred supports and services for at-risk individuals to effectively meet their needs and prevent potential crises and subsequent justice system involvement.



Municipality and Community Involvement

Goal Statement #12: Social, health, justice and public safety organizations have formed a partnership approach with municipalities and communities (including Indigenous nations) throughout the province to promote proactive community wellness and where possible, to address social, health, justice and public safety concerns using a community-driven approach that includes informal supports.



Person-Centred Interventions

Goal Statement #13: Justice and public safety organizations across British Columbia have aligned their policies and delivery models to provide person-centred services and supports, enabled by effective integration and information sharing between organizations as well as the social and health sectors.

Goal Statement #14: Integrated personal information that can be effectively used to inform proactive person-centred service and support planning is securely collected and protected during early interactions with the social, health, justice and public safety systems.



Data Sharing and Integration

Goal Statement #15: Social, health, justice and public safety organizations and communities have proactive and person-centred supports and services through the principled expansion of data sharing and integration, accompanied by robust measures to ensure the protection of privacy, confidentiality and personal information.



Technology

Goal Statement #16: Justice and public safety organizations have migrated select processes to a virtual or hybrid delivery model to strengthen access to justice, expand the reach of needed services and supports, and increase resource efficiency.



Restorative Justice

Goal Statement #17: British Columbia has a comprehensive, accessible, and appropriately resourced restorative justice program that supports accessible programming throughout the province and works in concert with the justice system.



Sentencing and Corrections

Goal Statement #18: The justice and public safety sector has significantly reduced the use of short-term incarceration by reducing the number of custodial sentences delivered in response to offences.



Reducing Rural Offences by Enhancing Service Delivery

Goal Statement #19: Social, health, justice and public safety organizations have critically examined their service delivery models, in collaboration with rural communities, and implemented innovative methods for providing foundational services to these areas to help residents meet their basic needs and avoid unnecessary interactions with the justice system.

Introduction

As mandated by the *Justice Reform and Transparency Act* (2013), Justice Summits are held a minimum of once per year on a variety of topics to facilitate innovation in, and collaboration across, the justice and public safety sector. Contemporary Justice Summits are based on a well-established tradition of frank problem-solving dialogue between senior leaders and decision-makers representing diverse organizations throughout the justice and public safety sector as well as the broader social sector. The reports of proceedings from past Justice Summits are available on the BC Justice Reform [website](#).

The theme of the Fall 2020 BC Justice Summit was Diversion and Alternatives to Short-Term Incarceration. The intent of the discussion was to seek the views of participants with respect to

the contemporary use of diversion and other alternatives in relation to the use of short-term incarceration within the British Columbian context. While the interconnections between remand and sentenced custody are clearly recognized, in the interest of managing time and complexity of discussion, the paramount focus of the Justice Summit was on sentenced custody.

As developed by the Steering Committee, the specific objectives of the Fall 2020 BC Justice Summit were:

1. To obtain a mutual understanding regarding the current context, evidence base and the range of implications associated with more prominent utilization of diversion and other alternative approaches to short-term incarceration in British Columbia.
2. To solicit the general views of participants with respect to diversion, alternatives to short-term incarceration, and short-term incarceration.
3. To establish a collective vision for how the justice and public safety sector, and other partners, intend to address the challenges associated with short-term incarceration.
4. To identify potential pathways and required enablers to enhance the likelihood of success with respect to implementing the desired future state.
5. To identify likely obstacles and barriers with respect to implementing the desired future state and potential opportunities and/or strategies for addressing them.

In preparation for these discussions and to provide background, the Secretariat provided participants with advanced materials to help inform the Justice Summit dialogue. The Summit agenda is reproduced below in Appendix 1, a full list of Summit participants is provided in Appendix 2 and Steering Committee membership is detailed in Appendix 3.

Reflections from BC First Nations Justice Council Participants

The Fall 2020 BC Justice Summit on Diversion and Alternatives to Short-Term Incarceration provided an important opportunity for continued cross-sector dialogue regarding the criminal justice system's continued reliance on short-term custodial sentences, despite widespread recognition that short-term incarceration tends to produce adverse and destabilizing consequences for offenders, their families and communities. Justice Summit participants from across the sector indicated there is an increasingly urgent need to address this issue through greater utilization of diversion and alternatives to short-term incarceration; however, this has

long been a priority of the BC First Nations Justice Council. A presumption of diversion throughout the existing justice system is a core value of the BC First Nations Justice Strategy and is an integral part of our work to address the immediate challenges and needs of First Nations people that come into contact with the justice and public safety system. While our efforts are focused on ensuring the presumption of diversion for First Nations people is embedded at every stage of the existing criminal justice system, from pre-charge through post-conviction, we know that integrating this value throughout the broader justice and public safety system would be transformative.

The BC First Nations Justice Council is also working to establish a network of Indigenous Justice Centres across the province, to provide culturally safe places that offer legal assistance and early intervention programming. Justice Summit participants have repeatedly emphasized that making progress towards reducing our reliance on short-term custody will require that a greater degree of emphasis be placed on shifting our policy focus and investment from a more reactive, or “primary care” model, into a proactive, preventative and holistic wellness-focused model that is responsive to the individual needs of clients. These centres provide an example of an initiative focused on improving the coordination of existing services and programs to improve offender outcomes and can serve as an example of the value and impact that can be realized through increased integration of services and supports. There is an opportunity for the justice and public safety sector to integrate learnings that emerge from Indigenous Justice Centres and other BC First Nations Justice Strategy initiatives into broader criminal justice approaches aimed at addressing the harms caused by our criminal justice system’s reliance on short-term custody.

Reflections from Métis Nation BC Participants

Fall 2020 BC Justice Summit discussions focused on the contemporary use of diversion and other alternatives in relation to the use of short-term incarceration and potential future strategies and practical approaches for improving outcomes within this topic area. It was widely acknowledged amongst Justice Summit participants that a great deal more needs to be done to increase the use of diversion and alternatives to short-term incarceration at every stage of the criminal justice system, as short-term sentences have little or no influence on changing offending behaviours while simultaneously increasing the likelihood of recidivism. Restorative justice was highlighted as a particularly effective pre-sentencing diversion approach, and many participants indicated enhanced investment to promote more widespread capacity and accessibility to restorative justice programs throughout BC will be key to reducing our reliance on short-term custodial

sentences. Métis Nation BC strongly supports this position and emphasizes that restorative justice programming for Métis youth must be an immediate priority.

When discussing opportunities to increase the use of diversion and alternatives to short-term incarceration, Justice Summit participants recognized that addressing the overrepresentation of Indigenous people in the criminal justice system must be a key consideration. The Métis Justice Strategy will play an important role in informing sector efforts to address this critical priority and improve outcomes for Métis people as we move forward.

Summary of Themes

Preamble

The following section provides a synopsis of the overarching themes that were identified within the Justice Summit breakout discussions. There was a total of four breakout sessions during the Justice Summit spanning topics including the current state, a vision for the future, obstacles and barriers, and practical strategies for moving forward (see the Justice Summit Agenda in Appendix 1 for a full description of the four breakout sessions). For each breakout session there were ten groups of participants, with dialogue guided by an impartial facilitator. The notes from these breakout sessions were consolidated and analyzed to form the following aggregate themes.

It is important to acknowledge that the following themes should not be interpreted as representing consensus amongst Justice Summit participants, nor as compelling actions upon specific organizations. Rather, this section is intended to summarize concepts that were prominently and/or frequently expressed by participants, categorized according to general topics for ease of reference. Readers are also encouraged to avoid interpreting these themes as being mutually exclusive or collectively exhaustive.

Each theme is presented starting with a general description and context, followed by high-level considerations, and concluded using one or two goal statements. These goal statements provide justice, public safety and other social sector organizations with an open-ended opportunity to identify priorities for their organization(s) that align to this report, and to orient future strategies and actions towards achievement of these goals.

Prior to the discussion on breakout session themes, this section sets out some foundational comments regarding short-term custody and systemic change that were expressed during the Justice Summit.

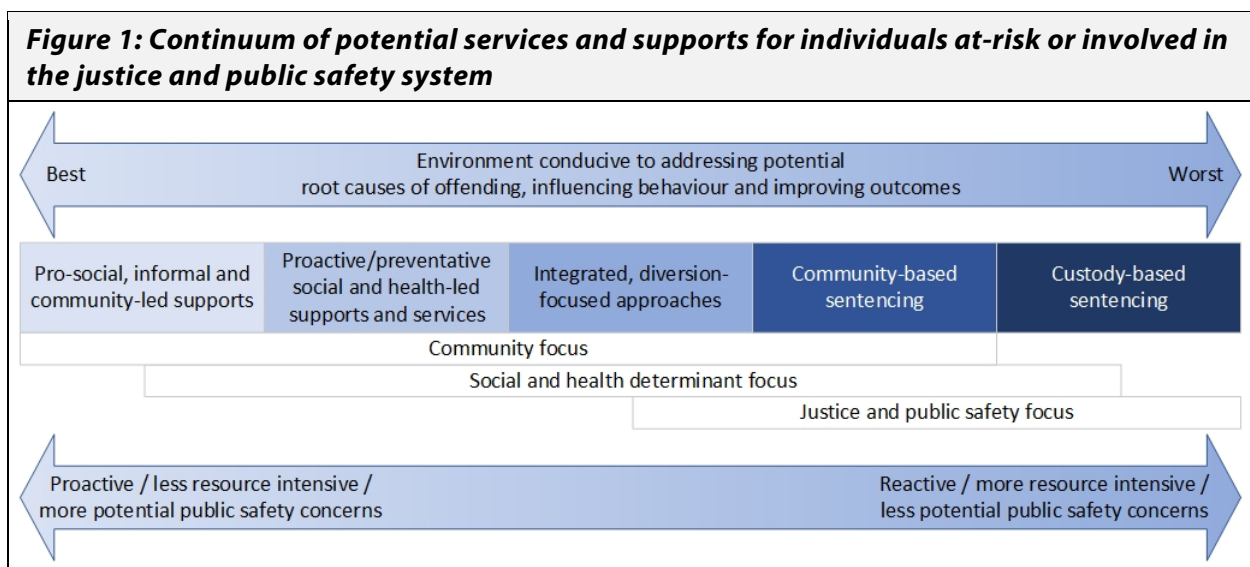
General Comments on Short-Term Custody

Many Justice Summit participants indicate there is little utility derived from short-term custody and believe its use tends to produce a range of adverse and destabilizing consequences for many offenders, their families, and communities. Aside from the objectives of denouncement and separation, many participants believe that short-term incarceration is largely misaligned with the principles of sentencing and fails to meaningfully address offending behaviours.

For instances where true public safety concerns exist, short-term custody remains a crucial sentencing tool. Short-term incarceration can be used to isolate high-risk and/or violent offenders from the rest of society or to intervene on behalf of individuals in severe crisis or those exhibiting chronic anti-social behaviours. However, these conditions are not present in a large proportion of criminal cases and given short-term incarceration is inherently time limited, careful consideration must be taken towards the resulting potential for increased recidivism and other destabilizing factors. When considered more broadly, the threat of criminal charges and sanctions ranging up to incarceration can act as effective deterrents for inherently pro-social members of society; however, these individuals are at low risk of offending in the first place. By comparison, deterrents begin to lose their effectiveness when applied to those who experience a range of criminogenic and/or high-risk behaviours and circumstances.

For a large subset of at-risk individuals, offending behaviours are heavily influenced by social and health determinant factors, such as unemployment, poverty, lack of appropriate housing, mental health and/or substance use challenges, trauma, and anti-social associations. These social and health determinant risks often lead individuals to participate in “survival crimes” and other concerning non-criminal behaviours, which might otherwise not occur if appropriate services and supports were in place to help address the unique needs for each person. Further to the above, short-term custodial stays constitute highly problematic environments for addressing social and health determinants and can exacerbate the situation, leading to chronic offending. For example, individuals experiencing extreme addiction cannot effectively stabilize and detox in short-term custody and are at high risk of overdose upon release. Unfortunately, due to a frequent lack of viable alternatives, or an awareness of such alternatives, short-term custody is often applied to instances that would otherwise ideally be treated as social and/or health concerns. Perhaps somewhat paradoxically, longer term custodial stays tend to be more effective in addressing some social and health determinants due to the increased duration of time to provide appropriate programming and plan for release and reintegration.

Further to the above discussion, the themes outlined throughout the following breakout session summaries are framed on the basis of the foundational assumption that a primary objective of the justice and public safety system - pertaining to this Justice Summit topic - is to enable offenders to rehabilitate, change their behaviours and minimize reoffending, as opposed to reflexively giving primacy to punishment through incarceration. To effectively realize this vision, many of the concepts discussed below are nested within a high-level continuum of potential services and supports that extend throughout the justice and public safety system, into the broader social and health sectors, and down to community-level involvement (see diagram below).



In recognizing the insights offered by Justice Summit presenters and panelists and reflecting the overarching narrative captured throughout the breakout sessions, it is commonly understood that positive behavioural change and improved outcomes typically are best achieved in settings with higher levels of service integration and community focus. These settings also tend to enable more timely, proactive and person-centred interventions, at a lower cost overall. Of course, the above model must be counterbalanced with reasonable and legitimate public perception, safety and security considerations. Readers will find the concepts embedded within the above model are interwoven throughout the breakout session theme summaries.

01 Leadership, Governance and Mandate Alignment

It was widely acknowledged amongst Justice Summit participants that a core barrier to enhancing the utilization of diversion and alternatives to short-term incarceration is the siloed approach to sector governance, processes and organizational mandates. This is not an exclusive

concern for justice and public safety organizations, as it also extends into the broader human services sector as well, when considering the importance of social and health determinants for individuals who are involved, or at-risk of becoming involved in the criminal justice system.

In recognizing that top-down, transformational shifts in government processes are often difficult and slow moving, many participants pointed to the importance of proactive leadership and willing collaboration between sector participants and communities as the paramount catalyst for change. This process begins with key leaders and decision-makers spanning the social, health, justice and public safety sectors, agreeing and committing to a cohesive vision for the increased utilization of prevention, diversion and alternatives to short-term incarceration, where appropriate, and agreeing to allocate the necessary resources to implement the vision.

Implicated organizations may need to seek mandate refinements and/or align their priorities to support the development and implementation of associated joint strategies. Dedicated leadership and formalized governance structures involving a diverse range of stakeholders will be required to successfully advance the vision. Finally, a comprehensive implementation framework and coordinating body should be put in place to lead the planning and rollout of ongoing action plans flowing from the vision and associated strategies.

Considerations

- Meaningful progress in reducing the province's utilization of short-term custody requires that organizations first jointly acknowledge that social and health determinants are key drivers of criminal behaviours and that addressing these risk factors is a high priority requiring collective action.
- A cross-sectoral and multidisciplinary coordinating committee was identified as a potential focal point for developing strategies, defining and prioritizing actions, reporting on progress, and promoting mutual accountability across organizations.
- This committee would ideally be complemented by an appropriately resourced facilitating entity, such as a secretariat. This entity could be tasked with facilitating collaboration, defining tangible action plans, securing needed funding, coordinating implementation, and maintaining ongoing accountability across partner organizations, Cabinet, Treasury Board and the federal government.

- An implementation framework, flowing from the vision and strategy, would provide the process and feedback loop for prioritizing and implementing actions, evaluating outcomes, and determining next steps.
- Potential implementation methodologies could include, but are not limited to, a mix of:
 - A structured approach beginning with mandates/priorities mapped to the strategy, data collection, collaborative successfully advance the vision development, funding, prototyping, outcomes analysis, and expansion or revision.
 - Direct community and/or organizational investment enabling customized approaches and community-driven supports, services and programming, with predefined accountability requirements (e.g. direct funding for First Nations, Indigenous-serving organizations, etc.).
 - A broad funding envelope that can be drawn upon to develop, test and assess grassroots, novel, and other bottom-up innovations (i.e. the inverse of more conventional top-down prioritization approaches).

Goal Statements

Goal Statement #1: Under the direction of committed leaders, social, health, justice and public safety organizations collaboratively address the social and health determinant risk factors that contribute towards offending behaviours and associated societal concerns.

02 Research and Information Gathering

Many Justice Summit participants indicated that efforts to reduce the use of short-term custody would be better supported by clearly defining the attributes of short-term incarceration, identifying the types of offences that are typically associated with short-term custodial sentences, and developing an accessible evergreen database of provincial services, supports and viable alternatives to short-term incarceration. Several participants also emphasized that the database should include guidance on needs personas and how they map to relevant interventions and provide information on the duration, capabilities, capacity and intended outcomes of programs. This information would help to illustrate the general characteristics of individuals and offences that are frequently conducive to diversion and integrated support approaches, which would help ensure that offenders are matched to the appropriate services.

The need to define goals and metrics to measure effectiveness was a prominent theme throughout the Justice Summit dialogue. Participants emphasized the importance of setting

standards and measuring the success of programs, services, approaches and interventions, as this information will support sector leadership in identifying priorities and targets aimed at reducing the use of short-term incarceration moving forward.

Considerations

- When considering the development of a provincial database of services and supports, it will be important to ensure appropriate resources are available to keep the information up to date. Additionally, to maximize the utilization of diversion and alternatives, the database should include community-specific information on existing program capacity.
- Several participants indicated that existing research and information on needs profiles should be leveraged when considering the development of a provincial database.
- The rapid onset of the COVID-19 pandemic prompted the disruption of many well-established practices, norms and assumptions throughout the justice and public safety sector. While the impacts of the pandemic throughout the sector are ongoing and continue to evolve, there was widespread agreement amongst participants that a robust and critical analysis of these impacts is warranted for future discussion.

Goal Statements

Goal Statement #2: Justice, public safety and social sector organizations have access to an evergreen database of provincial services, supports and viable alternatives to short-term incarceration that includes information on the duration, capabilities, capacity and outcomes of available programs.

03 Legislation and Policy

Justice Summit participants identified that opportunities to maximize utilization of diversion and alternatives to short-term incarceration exist through the better application of existing laws and achievable legislative and policy enhancements. While existing sentencing principles already enable discretion, many participants suggested that legislation could be more explicit in terms of requiring all viable alternatives to be explored, including conditional and community-based sentences, prior to moving forward with a short-term custodial sentence. Building on this point, while the presumption of diversion is cited as a core value in the BC First Nations Justice Strategy, many perceived this principle as being one that should extend to all applicable low-risk or non-violent offenders and others who are at-risk of becoming involved in the justice system.

Clarifying the role of the justice and public safety system in initiating social and health interventions and providing ongoing supports and services was also identified as an area for legislative reform. For example, the *Mental Health Act* and *Police Act* are targets for revision to clarify roles and promote enhanced collaboration between police and other types of first responders when dispatched to calls involving social and health-based factors as well as survival crimes. The desire was also expressed for improved legislative and policy guidance regarding the application of appropriate mental health and substance-use interventions as a consideration during sentencing. Additionally, it was suggested by some that new social welfare legislation could be introduced to complement the *Criminal Code of Canada*, and secure widespread accessibility to the continuum of social and health supports needed by at-risk individuals.

In terms of applying existing legislation and policies, several Justice Summit participants remarked that more needs to be done to effectively implement and commit to prevailing laws such as the *Declaration on the Rights of Indigenous Peoples Act* and Gladue sentencing provisions (i.e. *Criminal Code* section 718.2(e)). By more effectively implementing existing laws and better aligning policy frameworks in recognition of Indigenous justice principles, the province will not only reduce its reliance on short-term incarceration, but also affirm Indigenous peoples' rights to self-determination and empower the restoration of traditional approaches to managing harms. Recent examples, like the BC Prosecution Service's policy support for the principle of restraint in seeking custodial sentences, represent good illustrations of the type of momentum that is sought.

Considerations:

- It is recognized that the ability to effectively implement legislation and/or policy aimed at maximizing diversion and alternatives to short-term custody is dependent on the presence of robust and widely accessible support and service infrastructure.
- The *Youth Criminal Justice Act*, provincial youth justice practices, and other relevant interjurisdictional examples can serve as guides in the effective implementation of diversion and integrated service delivery for application in the adult domain.
- Learnings from recent legislative reforms such as roadside prohibitions under the *Motor Vehicle Act* can serve as inspiration for additional creative problem solving and effective change management with the public.
- Decriminalization of simple possession of drugs presents an opportunity to move away from arbitrarily pulling individuals with substance use challenges into the justice system;

however, the establishment of required support and treatment infrastructure and availability of safe supply to prevent overdoses are equally important.

- Some municipalities have already substantively decriminalized simple possession through policing policies; however, survival crimes and other concerns stemming from poverty, mental health and substance use challenges often remain pervasive.
- Legislation such as mandatory minimum sentences, that neutralizes prosecutorial and judicial discretion and inhibits the application of constructive behavioural development approaches, should be eliminated.

Goal Statements

Goal Statement #3: Through the strengthening of legislation, organizations throughout the justice, public safety and social sector have aligned applicable policy frameworks to promote increased utilization of diversion and other alternatives to short-term incarceration.

Goal Statement #4: Legislation and policy frameworks have been reformed to reflect and align with the principles of Indigenous justice and self-determination.

Goal Statement #5: Legislation and policy frameworks have clarified the roles of various justice and public safety organizations with respect to the initiation of social and health-focused interventions and the administration of supports and services.

04 Investment and Resource Allocation

There was widespread recognition amongst participants that, as a result of the current fiscal environment, the process for securing new funding for programs or initiatives will require a sound business case discipline as well as cost/benefit and opportunity cost analyses. Additionally, participants noted that social, health, justice and public safety sector organizations need to collaborate on their strategies to ensure they are aligned and focused on achieving unified intended outcomes. Funding stability, ease of application, and distribution fairness were key points of interest for participants who apply for justice and public safety-focused programming and/or social and health-focused programming. Several participants also remarked that there needs to be better alignment and coordination between funding bodies (i.e. federal, provincial, NPO grants, etc.), and that the use of funding envelopes is a worthwhile consideration.

Considerations

- Resource scarcity, the extensive need for social and health supports throughout society, and widespread geographic distribution of the provincial population are recognized as being paramount constraints in the process of allocating finite monetary and human resources.
- Participants indicated that dedicated program funding was critical to the success of the *Youth Criminal Justice Act*.
- To enable Nation rebuilding and the revival of traditional justice practices, First Nations must have a clearer understanding and access to funding pathways. Predictable and sustainable funding for community-led initiatives such as Indigenous Justice Programs is crucial to increasing diversion from the mainstream justice system.
- Participants also indicated that the highest priority areas for further investment include prevention, early intervention, community-based approaches, social and health factors, relationship-building, community development, and community engagement.

Goal Statements

Goal Statement #6: Funding organizations are aligned to ensure fair, stable, evidence-based programs and services are provided to clients, with a focus on achieving unified outcomes.

05 Shifting Public and Organizational Perceptions

Independent from contemporary evidence illustrating the adverse unintentional consequences of short-term incarceration, widespread and entrenched public sentiment favouring the perceived merits of punishment and/or the view that diversionary approaches are “soft on crime”, continue to be perpetuated. Punishment is often seen as a measure balancing against the relative harms incurred by others. Notwithstanding the sources, these longstanding narratives remain largely unsupported by research and pose substantial political, policy and service delivery obstacles to the successful implementation of strategies that promote diversion and other alternatives to short-term custody. Another concerning trend is that social and health determinant factors, such as poverty, mental health and substance use challenges are often misunderstood to be criminal justice issues. The organizational cultures and longstanding practices of justice and public safety organizations may act as common barriers to change and must be addressed through proactive leadership, policy and ongoing training.

Considerations

- There is a need for a cohesive suite of key messages promoting the merits of diversion and alternatives to short-term incarceration that are rooted in defensible evidence and speak to a range of public motivations, incentives, and values.
- It is important that these key messages illustrate the net benefits to public safety, easy-to-understand fiscal benefits, victim/community outcomes, and alignment to overarching social and political priorities.
- Communication strategies should be engineered to provide ongoing public updates regarding the initiatives being undertaken, the reasons for them, success measures, and key messaging to counteract the politicization of crime and fear.
- To successfully shift public perception, it is essential that society has confidence in the alternatives being promoted. To this end, established infrastructure aimed at addressing social and health determinants must be effective in serving highly visible activities such as prolific offending, homelessness, and substance misuse.
- Community development and relationship-building is a key factor. Communities need to be empowered and encouraged to address a greater number of concerns outside of the formal justice system through active dialogue, mediation and community-driven problem solving.
- Change management must also be driven through effective ongoing training and evolution in organizational culture amongst public servants and service providers.

Goal Statements

Goal Statement #7: Public perceptions have moved away from entrenched crime and punishment beliefs towards cultural values that prioritize mutual accountability and holistic community wellness in relation to criminal behaviour that does not present public safety and security risks.

Goal Statement #8: The justice and public safety, social and health sector organizations have established organizational cultures and training strategies that promote prevention and early intervention as the preferred approach to address social and health challenges, including criminal behaviour.

06 Service and Support Integration and Continuity

One of the most prominent themes observed within the Justice Summit dialogue focused on strengthening the integration and continuity of services and supports for individuals who become involved in the justice and public safety systems, and ideally prior to this point. Numerous participants remarked that the likelihood of positive outcomes and investment efficiency are directly related to the timeliness and integration of applicable services and supports. In other words, the earlier a person receives appropriate and well-integrated interventions, the better their chances of success, at a lower overall cost.

In addition to observations around timeliness, several participants also highlighted the importance of accessibility and continuity of services and supports throughout the justice and public safety system. Many felt that existing and promising service and support models tended to be insufficiently deployed at the front and back ends of the process, to the detriment of both diversion and release/reintegration strategies. Service provider capacity and user accessibility to the continuum of needed supports and services were also cited as prominent challenges, particularly in rural areas. Overall, service and support timeliness, integration, continuity, and accessibility were seen as being high-priority opportunity areas, carrying strong potential for positive impacts. Many existing programs can even generate substantial improvements simply through enhanced collaboration and information sharing at little to no additional cost.

Considerations

- Meaningful accessibility to timely and integrated services is best achieved in a community-based environment, including community supervision and conditional sentences. This is due in part to the broader presence of formal and informal pro-social supports, longer durations of engagement, reduced stigma, and other drivers which are less achievable in the context of short-term custodial stays.
- Timely and integrated community-based services and supports tend to be the most effective formal approach to addressing the root causes of offending behaviours and enabling clients to pursue more productive and pro-social lifestyles.
- By enhancing integrated service capacity throughout the province, community-based diversion and sentencing becomes a more viable option for a wider range of offence types and circumstances.

- The province currently maintains several effective and promising integrated and multidisciplinary support models and system navigator roles that may be considered for further expansion, such as Indigenous Justice Centres, Situation Tables, and Integrated Case Teams.

Goal Statements

Goal Statement #9: Organizations have maximized service and support integration and provide programming to clients at the earliest possible opportunity and in all settings.

Goal Statement #10: Service provider organizations are sufficiently resourced to enable timely and effective program delivery across the province and offer viable diversion and sentencing alternatives for justice and public safety system participants.

07 Social and Health Sector Commitment

A prominent theme throughout the Justice Summit dialogue was the desire for social and health sector organizations to undertake a more active leadership role in addressing the upstream societal risk factors that frequently lead to criminal activity and other concerning behaviours. It was recognized that a large subset of offences frequently associated with short-term custodial sentences can be categorized as “survival crimes”, or incidents relating to personal and/or environmental circumstances, rather than inherent or nonmodifiable criminogenic factors. As such, social and health partners can play an instrumental role in “off-ramping” or diverting at-risk individuals prior to formal criminal justice involvement through a range of early interventions; recognizing the compounding difficulty in addressing these challenges once a person has been charged with an offence.

This theme recognizes that under the current system, the justice and public safety sector often represents a resource-intensive, late-stage reaction to individuals who have been previously overlooked or fallen through the social safety net and now find themselves in a state of crisis. To successfully mitigate this trend, a greater degree of emphasis needs to be placed on shifting our policy focus and investment from a more reactive, or “primary care” model, into a proactive, preventative and holistic wellness-focused model that is responsive to the individual needs of clients. In turn, this shift will also enable justice and public safety organizations to redirect their capacity towards concerns they are most appropriately positioned to act upon.

Considerations

- It will be important to conceptualize an effective, yet respectful, referral and intake approach that accurately, and as early as possible, identifies and connects at-risk individuals to the services and supports they require with compassion and dignity. To maximize positive outcomes, these referrals/intakes would ideally occur prior to a criminal incident and charges.
- To be effective, social and health programming must be responsive to the individual needs and preferences of clients, while addressing areas such as mental and physical health, addictions, housing, trauma, culture, education and skills training.
- Numerous promising examples of integrated and person-centred service delivery already exist in programs such as Situation Tables, Integrated Case Teams, and similar multidisciplinary hub-style models.

Goal Statement

Goal Statement #11: Social and health sector organizations throughout British Columbia are leaders in providing proactive, integrated, accessible, compassionate, and person-centred supports and services for at-risk individuals to effectively meet their needs and prevent potential crises and subsequent justice system involvement.

08 Municipality and Community Involvement

Over and above any formal supports and services provided for at-risk individuals by organizations throughout the social, health, justice and public safety sectors, the Justice Summit dialogue also highlighted the importance of municipality and/or community involvement. Local support for prevention, diversion and other alternative approaches to incarceration is important because pro-social and community relationships can be a powerful driver for positive behavioural development and holistic community wellness. Municipalities and communities - particularly Indigenous nations – often have an intimate knowledge of the local culture and context and are typically best positioned to mobilize appropriate and invested community and informal social supports. These types of supports are crucial not only from a preventative lens, but also as a companion to formal interventions found throughout the social, health, justice and public safety sectors, including custody.

Considerations

- Municipality and community support are a critical success factors to any strategy focusing on maximizing diversion and alternatives to short-term incarceration.
- Agreements between municipalities/communities and organizations, such as Memorandums of Understanding, can be powerful mechanisms for formalizing relationships, commitments and roles between parties.
- While provincial strategies and frameworks are valuable for setting a collective vision and principles for positive change, in many cases community-driven initiatives and investments can be highly effective due to their alignment with local culture and context and increased buy-in amongst community members.
- Conversely, caution should be applied when considering provincial service models. A program that works well in one community may not necessarily be effective in another.

Goal Statement

Goal Statement #12: Social, health, justice and public safety organizations have formed a partnership approach with municipalities and communities (including Indigenous nations) throughout the province to promote proactive community wellness and where possible, to address social, health, justice and public safety concerns using a community-driven approach that includes informal supports.

09 Person-Centred Interventions

Effective services, supports and sentencing, including incarceration where appropriate, is best achieved through a comprehensive understanding of the individual, their lived experience and their environmental context. Such information enables customized approaches to be developed that align with individual needs, readiness and learning styles, reflecting factors such as mental health, substance use, culture, trauma, and gender identity. While evidence-based assessment practices, such as risk/need/responsivity are frequently used in organizations such as BC Corrections, this type of person-centred approach could yield considerable benefits if applied at earlier stages of the justice and public safety process. However, it was recognized that access to, and sharing of, personal information among responding organizations, particularly during early stages of the justice process, present challenges for strengthening person-centred approaches.

Considerations

- The timeliness and completeness of personal information are paramount factors when considering the utility of such data to inform early warning systems, risk assessments, and proactive person-centred service and support planning.
- Where possible, strengthened and/or expanded information sharing agreements should be explored with child welfare, social development, and health service organizations to broaden accessibility to important data that could be used to divert a greater number of individuals from the justice and public safety system.
- Evidence-based, objective and actuarial assessment methods, such as risk/need/responsivity provide effective approaches for identifying relevant interventions, while simultaneously avoiding a potential over-prescription of supports, which can produce unintended negative consequences.
- A more widespread, consistent and broader implementation of *Gladue* principles (i.e. *Criminal Code* s.718.2(e)) across the mainstream justice and public safety system can help ensure Indigenous peoples receive more timely, relevant and person-centred services and supports through community-driven processes.

Goal Statements

Goal Statement #13: Justice and public safety organizations across British Columbia have aligned their policies and delivery models to provide person-centred services and supports, enabled by effective integration and information sharing between organizations as well as the social and health sectors.

Goal Statement #14: Integrated personal information that can be effectively used to inform proactive person-centred service and support planning is securely collected and protected during early interactions with the social, health, justice and public safety systems.

10 Data Sharing and Integration

A complex tension that persists throughout the social and health sectors, including the justice and public safety system, is the balance between confidentiality, personal privacy and data integration. On the one hand, all residents of British Columbia have rights under the *Freedom of Information and Protection of Privacy Act* and the *Personal Information Protection Act*. Society's trust in public services is also dependent on our ability to consistently protect personal rights and freedoms. At the same time, a growing evidence base has begun to clearly illustrate the benefits

of information sharing between social and health organizations to enhance service integration and enable more holistic, wrap-around and person-centred programming. Information sharing also has the potential to strengthen crisis prevention and mitigation efforts at all stages of the social, health, justice and public safety systems, as well as within communities, by enabling automated early warning systems and proactive interventions. This shift in focus has the potential to produce considerable societal and public safety benefits, while simultaneously yielding resource efficiencies. With these outcomes in mind, numerous Justice Summit participants expressed a strong desire for the sector to strive towards deeper levels of information sharing; however, there continues to be a delicate balance between confidentiality, privacy and data integration that requires careful consideration to ensure integrity and public confidence remain protected.

Considerations

- Comprehensive sector dialogue should be undertaken to identify the specific forms of shared information that are needed to enable more effective integration of critical services and supports.
- This process must be accompanied by a critical analysis of the risks associated with information collection and sharing, the mechanisms for obtaining consent where required, and approaches for robust data and confidentiality protection.
- Existing and new information sharing agreements provide effective channels for defining specific requirements and operations to meet stated objectives.
- Sector information sharing strategies should be based solely on weighing the principles of rights protection with the net benefits to individuals and society, as opposed to any motivations that exclusively serve the internal interests of individual organizations.

Goal Statement

Goal Statement #15: Social, health, justice and public safety organizations and communities have enabled more proactive and person-centred supports and services through the principled expansion of data sharing and integration, accompanied by robust measures to ensure the protection of privacy, confidentiality and personal information.

11 Technology

The extensive potential of modern technology offers a range of innovative, accessible and resource-efficient service and support possibilities within the justice and public safety sector. Furthermore, the widespread disruptive impacts of the COVID-19 pandemic provided a clear illustration of the need for increased sector resiliency, agility and technology-driven solutions. An expanding provincial population and the progressive intensifying of resource pressures further exemplifies the need for enhanced accessibility, reach and cost-effectiveness for future programs. At the same time, the sector must be mindful of the efficacy, reliability, usability, and cultural/literacy implications of proposed technological solutions to ensure they achieve desired outcomes. Policy and service developers must also carefully consider constraints relating to foundational infrastructure, such as accessibility to needed devices and the reliability of telecommunications networks.

Considerations

- While the justice and public safety sector's response to the pandemic remains ongoing, it will be important to continue evaluating the ongoing feasibility of the technological solutions that were introduced or expanded throughout 2020 within the context of post-pandemic applications.
- Technology can offer innovative solutions to a wide array of contemporary challenges throughout the sector, including:
 - Reducing the likelihood of unnecessary breaches of conditions caused by individual circumstances, such as geography and long travel distances.
 - Enabling information sharing, service integration and early warning systems.
 - Enhancing access to justice through virtual appearances.
 - Enabling access to certain forms of virtual supports and services that may not otherwise be available in the area.
- It is important to recognize that not all forms of services and supports are conducive to technological solutions and/or virtual provision. Cultural considerations as well as accessibility to required devices and telecommunications infrastructure are also important factors.
- Electronic monitoring received a mixed response from Justice Summit participants. Proponents believe electronic monitoring provides an effective and resource-efficient augmentation to community supervision.

- Conversely, critics asserted that electronic monitoring may not be appropriate for low-risk offenders and in the absence of needed supports, it does little to reduce recidivism risk and fails to address needed behavioural changes.
- Concerns with electronic monitoring were also expressed regarding the potential for heightened stigmatization stemming from the visibility of existing bulky equipment and reliability of telecommunications in rural areas.

Goal Statements

Goal Statement #16: Justice and public safety organizations have migrated select processes to a virtual or hybrid delivery model to strengthen access to justice, expand the reach of needed services and supports, and increase resource efficiency.

12 Restorative Justice

Participants expressed an interest to build out a more cohesive and robust restorative justice program in BC that interacts more effectively with the mainstream justice and public safety system. Restorative justice was cited as being a particularly effective pre-charge and pre-conviction diversion approach, provided appropriate wraparounds supports are in place and participants are committed to the process. While some forms of restorative justice already exist in the province through initiatives like Community Accountability Programs (CAPs) and within many Indigenous Justice Programs (IJPs), these services are often implemented on an as-needed basis and lack alignment to an overarching strategy and framework that is widely supported throughout the sector. As such, there is a growing desire to collaboratively establish a comprehensive restorative justice strategy, to formalize and solidify the role of this approach in the justice and public safety system.

Considerations

- To be successful, restorative justice requires ample time and commitment for:
 - Addressing relationships between the offender, victim and community;
 - Deploying needed resources, and;
 - Beginning the process of trauma recovery, healing and restitution.
- More direct coordination and relationship-building are needed amongst restorative justice providers and the mainstream justice and public safety system.

- Mainstream justice and public safety participants require a deeper understanding regarding the restorative justice principles and approach, as well as awareness of available programs to maximize utilization of existing capacity.
- Enhanced investment is needed to promote more widespread capacity and accessibility to restorative justice throughout BC, particularly in rural areas.
- Further analysis and dialogue are required to explore broadening and clarifying the types of offences that are conducive to a restorative justice approach.
- Restorative justice is currently most frequently used at earlier stages of the criminal justice process and consideration should be given to its use at all stages of the process.
- Increased understanding of restorative justice and its benefits is required to enable a more widespread utilization of the approach and to address misconceptions regarding restorative justice as “soft on crime”.

Goal Statement

Goal Statement #17: British Columbia has a comprehensive, accessible, and appropriately resourced restorative justice program that supports accessible programming throughout the province and works in concert with the justice system

13 Sentencing and Corrections

There was a widespread perception amongst participants that there is tendency to make conditions on offenders much more serious than they need to be, and that short-term incarceration may result from breaches pertaining to minor offences, on conditions that are difficult to meet consistently on the basis of individual circumstances (e.g., abstinence, failure to appear in rural areas, driving without a licence, etc.). Many participants indicated that exploring more creative ways to monitor conditions and deal with breaches should be considered a justice and public safety sector priority.

The availability and effectiveness of programming was also a frequent theme observed within the Justice Summit dialogue. Several participants emphasized that the interventions and long-term supports often required for rehabilitation and to address the root causes of criminal behaviours, chronic offending, and social/health determinants are not feasible within short-term custodial environments. By comparison, longer-term custodial sentences offer greater opportunities to

implement appropriate treatments and other supports to address identified criminogenic factors and promote pro-social behaviours and networks.

Considerations

- It was recognized that even when alternatives to incarceration are used, there remains issues with ensuring compliance with court orders, diversion agreements, etc.
- Successes resulting from the *Youth Criminal Justice Act* and provincial youth justice practices were cited by participants as good examples of potential approaches that are worth considering for adults.
- Several participants expressed an interest in integrated offender management for community corrections, along with electronic monitoring, to increase viability of community corrections as an alternative to sentencing.
- Longer-term sentences may also be successfully undertaken in more constructive, hybrid-type environments that combine attributes of custodial and community settings, such as Guthrie House, healing villages/lodges/camps, and specialized cohort units within custody centres.

Goal Statements

Goal Statement #18: The justice and public safety sector has significantly reduced the use of short-term incarceration by reducing the number of custodial sentences delivered in response to offences.

14 Reducing Rural Offences by Enhancing Service Delivery

A large proportion of administrative offences could be avoided by accommodating the environmental circumstances that contribute to these legal issues. Over and above those difficulties individuals in custody might experience adhering to bail or sentencing conditions due to individual social or health factors, people from rural areas may also encounter legal conflicts and access to justice barriers purely on the basis of geography, transportation challenges, and accessibility to technology. For instance, numerous communities throughout the province lack access to basic amenities such as driver licensing services, which can lead to residents encountering a range of justice-related problems, up to and including mandatory minimum custodial sentences, by simply striving to meet their basic transportation needs. If these barriers were creatively addressed through innovative policy design and/or service delivery, it is probable

a large subset of administrative offences could be circumvented, in addition to reducing social and fiscal costs.

Considerations

- Numerous rural communities exist several hundred kilometers from important social, health, and access to justice facilities such as health care centres, licensing offices, court houses, etc. By facilitating greater access to well-integrated foundational services using creative solutions such as outreach, circuit services, and virtual delivery, rural residents will be better equipped to meet their basic needs and avoid unnecessary conflicts with the law.
- Despite considerable progress achieved over the last number of years, several communities throughout the province continue to lack consistent access to the modern devices, technological literacy, and reliable telecommunications infrastructure required to effectively access virtual services. Without this capability, some individuals encounter unnecessary legal problems, such as failing to appear.

Goal Statement

Goal Statement #19: Social, health, justice and public safety organizations have critically examined their service delivery models, in collaboration with rural communities, and implemented innovative methods for providing foundational services to these areas to help residents meet their basic needs and avoid unnecessary interactions with the justice system.

Justice Summit Feedback

Comments on the Fall 2020 BC Justice Summit Report of Proceedings and the Summit process are encouraged and may be emailed to the Justice and Public Safety Secretariat at

JusticeReform@gov.bc.ca.

Appendix 1 – Agenda

Fall 2020 British Columbia Virtual Justice Summit

Diversion and Alternatives to Short-Term Incarceration

Advance participant materials available online:

Friday October 30th, 4:30pm

Live virtual Justice Summit engagement sessions via Microsoft Teams:

Friday November 20th, 8:30am – 12:30pm PST

Saturday November 21st, 8:30am – 12:30pm PST

Friday November 27th, 9:30am – 11:45am PST

Code of Conduct:

- The Justice Summit maintains the principles of non-attribution and respect for organizational and statutory independence. Participant contributions will not be attributed to any specific individuals or organizations in the course of formal reporting.
- We are grateful that members of the judiciary, including the heads of our three courts, are again joining the Justice Summit. We appreciate their participation. We trust, consistent with previous Justice Summits, that everyone will respect that, because of the courts' independent role, the judges and judicial staff are participating as observers and will not be commenting on, endorsing or suggesting policy choices, recommendations or other substantive matters.
- While the Justice Summit is convened through a virtual format, the recording of any sessions by participants is strictly prohibited. Microsoft Teams notifies the event organizers if any recording is initiated.
- Justice Summit participation is by invitation only. All participant nominations must be pre-approved by the Justice Summit Coordination Team by emailing: JusticeReform@gov.bc.ca.

Overall Objectives:

- To obtain a mutual understanding regarding the current context, evidence base and the range of implications associated with more prominent utilization of diversion and other alternative approaches to short-term incarceration in British Columbia.
- To solicit the general views of participants with respect to diversion, alternatives to short-term incarceration, and short-term incarceration.
- To establish a collective vision for how the justice and public safety sector, and other partners, intend to address the challenges associated with short-term incarceration.
- To identify potential pathways and required enablers to enhance the likelihood of success with respect to implementing the desired future state.
- To identify likely obstacles and barriers with respect to implementing the desired future state and potential opportunities and/or strategies for addressing them.

Important Scope Parameters:

- The Fall 2020 Justice Summit will build upon prior Justice Summit discussions focusing on:
 - Criminal Justice (2013);
 - Justice, Mental Health and Substance Use (2016), and;
 - Indigenous Justice (2018) ([link](#)).

- While the interconnections between remand and sentenced custody are clearly recognized, in the interest of managing time and complexity of discussion, the paramount focus of the Justice Summit will be maintained on sentenced custody.
- The impacts of the COVID-19 pandemic may be considered; however, should be done so within context of the overarching topic of *Diversion and Alternatives to Short-Term Incarceration*.
- To the greatest extent possible, it is preferred that Justice Summit dialogue be oriented towards innovative and transformational solutions as opposed to incremental improvements.

Mandatory Pre-Summit Preparatory Materials:

- Pre-recorded presentations, panel discussions and preparatory written materials are available through the Fall 2020 Justice Summit SharePoint site ([link](#))

Official Proceedings: November 20, 2020 (8:30am – 12:30pm PST)

Plenary Remarks

MANDATORY PRE-SUMMIT PREPARATORY MATERIALS ([link](#))

- **Welcoming, Song and Prayer:** A welcome message, song and prayer from Squamish First Nation Elder, Syexwáliya Ann Whonnock [Video – 5 min]
- **Opening Remarks:** Official Justice Summit opening remarks from the Deputy Attorney General, Richard J.M. Fyfe, QC [Video – 7 min]

Time	Description	Lead(s)/Presenter(s)
8:30am – 8:50am	Opening (Plenary) <ul style="list-style-type: none"> • Agenda overview • Review and confirm overall objectives of the Justice Summit • Remarks on what to expect from the Justice Summit 	David Loukidelis

Session 1: Use of Short-Term Incarceration – Our Views on the Current State and a Vision for the Future

MANDATORY PRE-SUMMIT PREPARATORY MATERIALS ([link](#))

- **Using Science to Implement Alternatives to Custody:** A presentation by retired Public Safety Canada Corrections Branch Director, Dr. James Bonta, exploring if criminal sanctions are effective mechanisms for deterrence, the role for rehabilitation in alternatives to custody, assessing and understanding risk factors, and risk-need-responsivity [Video – 37 min] (note: questions for Dr. James Bonta will be posed on the morning of November 21st)
- **Mental Health, Substance Use and Incarceration:** Guy Felicella's reflections on his life experiences in the Downtown East Side involving mental health challenges, substance use, repeated incarceration and recovery [Video – 17 min]
- **Consequences of Custody - Reoffending After an Initial Custody Sentence and its Association with Modifiable Risks:** A presentation by Dr. Julian Somers from Simon Fraser University, reviewing outcomes for offenders in BC following their first known instances of custody. Includes investigations into the associations between sentence length, the characteristics of detained individuals, and recidivism [Video – 24 min]
- **Consequences of Custody - Reoffending After an Initial Custody Sentence and its Association with Age, Ethnicity, Gender, Mental Illness, Substance Dependence, Education, and other Individual Characteristics:** A companion comprehensive research paper to the above presentation by Dr. Julian Somers (Authors: Dr. Julian Somers, Dr. Akm Moniruzzaman, Dr. Stefanie Rezanoff, Milad Parpouchi, Dr. Brittany Bingham) [PDF – 19 pages]

- **Shifts in Applicable Protocols, Practices and Key Indicators as a Result of COVID-19:** A summary of key shifts that have occurred within the sector since the onset of the COVID-19 pandemic as related to the Justice Summit topic of Diversion and Alternatives to Short-Term Incarceration [PDF – 8 pages]

Time	Description	Lead(s)/Presenter(s)
8:50am – 8:55am	Introduction (Plenary) <ul style="list-style-type: none"> • Introduce presenters • Brief overview of the presentations, including topics and key content 	David Loukidelis
8:55am – 9:10am	Question Period (Plenary) <ul style="list-style-type: none"> • Pre-submitted questions posed to presenters • Moderated opportunity for additional participant questions and comments 	David Loukidelis Guy Felicella Dr. Julian Somers
9:10am – 10:20am	Discussion (Breakout) <ul style="list-style-type: none"> • An initial multidisciplinary discussion regarding the current uses of short-term incarceration • A principled, or high-level discussion on the desired future state with respect to the uses of short-term incarceration and the viability of existing and/or potential alternatives <p>Question 1: What are the most effective uses of custody? The least effective? What considerations exist for various types of offenders?</p> <p>Question 2: Are the principles of sentencing in the <i>Criminal Code</i> (i.e. Section 718) being served effectively through the use of short-term incarceration? Do other relevant principles exist that should be taken into consideration?</p> <p>Question 3: Setting aside for the moment the potential obstacles, barriers or other challenges that exist (to be discussed tomorrow), describe the future you wish to see with respect to our use of short-term incarceration.</p>	Breakout discussion
10:20am – 10:50am	Wellness Break	

Session 2: Diversion and Alternatives to Short-Term Incarceration – Turning Aspirations into Practical Strategies

MANDATORY PRE-SUMMIT PREPARATORY MATERIALS ([link](#))

- **Groups of Particular Importance with Respect to the use of Short-Term Incarceration:** An expert panel discussion offering insights on promising and possible approaches for reducing incarceration rates with respect to those who tend to be overrepresented within custody environments. Unique issues pertaining to Indigenous peoples, victims, and those who experience mental health and substance use challenges are explored [Video – 66 min]

Panel Members:

- Panel facilitator: David Loukidelis (former Deputy Attorney General, BC Ministry of Attorney General)
- Indigenous representative: Boyd Peters (Director, BC First Nations Justice Council)
- Mental health representative: Jonny Morris (CEO, Canadian Mental Health Association BC Division)
- Substance use representative: Mike Serr (Chief Constable, Abbotsford Police Department)
- Victim focused representative: Heidi Illingworth (Federal Ombudsman for Victims of Crime, Office of the Federal Ombudsman for Victims of Crime)

- **Youth Justice - Promising Practices in BC:** A presentation by senior leadership from the BC Ministry of Children and Family Development on the history and current state of youth justice in BC *[Video – 18 min]*
- Presenters:**
- Teresa Dobmeier (Assistant Deputy Minister, Service Delivery Division, BC Ministry of Children and Family Development)
 - Dillon Halter (Executive Director, Specialized Intervention and Youth Justice Branch & Provincial Director of Youth Justice, BC Ministry of Children and Family Development)
- **BC First Nations Justice Strategy:** The BC First Nations Justice Strategy signed by the BC First Nations Justice Council and the BC Government in March 2020 *[PDF – 54 pages]*
 - **Sample of Programs and Channels for Diversion and Other Alternatives to Incarceration in BC:** A non-exhaustive sample of current programs and channels for diversion and other alternatives to incarceration in BC, including high-level descriptions and comments on integration, accessibility, capacity, referrals, etc. *[PDF – 35 pages]*

Time	Description	Lead(s)/Presenter(s)
10:50am – 10:55am	Introduction (Plenary) <ul style="list-style-type: none"> • Introduce panelists and presenters • Brief overview of the panel discussion and presentation, including topics and key content 	David Loukidelis
10:55am – 11:10am	Question Period (Plenary) <ul style="list-style-type: none"> • Pre-submitted questions posed to panelists and presenters • Moderated opportunity for additional participant questions and comments 	David Loukidelis Boyd Peters Jonny Morris Mike Serr Heidi Illingworth Teresa Dobmeier Dillon Halter
11:10am – 12:20pm	Discussion (Breakout) <ul style="list-style-type: none"> • A continuation from the earlier multidisciplinary discussion, moving into a more practical dialogue around potential strategies for shifting towards greater utilization of diversion and other alternatives to short-term incarceration <p>Question 1: What is the transformative potential of existing diversion and alternative approaches to short-term incarceration within the British Columbia context? How might this potential be more effectively realized?</p> <p>Question 2: What novel strategies, actions, reforms or policy changes within the British Columbia context hold the greatest potential to promote an effective reduction in the use of short-term incarceration? Are there any specific actions that might be considered for overrepresented groups?</p>	Breakout discussion
Closing Remarks		
Time	Description	Lead(s)/Presenter(s)
12:20pm – 12:30pm	Day One Summary (Plenary) <ul style="list-style-type: none"> • Summary of key themes and takeaways from the day and official close of proceedings 	David Loukidelis

Official Proceedings: November 21, 2020 (8:30am – 12:30pm PST)
Plenary Remarks

Time	Description	Lead(s)/Presenter(s)
8:30am – 8:40am	Opening (Plenary) <ul style="list-style-type: none"> Agenda overview 	David Loukidelis

Session 3: Addressing Obstacles and Barriers to Achieving our Vision
MANDATORY PRE-SUMMIT PREPARATORY MATERIALS ([link](#))

- **Corrections in Norway – Managing Punishment:** A presentation by Dr. Gerhard Ploeg from the Norwegian Correctional Service, offering an interjurisdictional perspective on the use of incarceration in Norway and its resulting outcomes *[Video – 39 min]*

Time	Description	Lead(s)/Presenter(s)
8:40am – 8:45am	Introduction (Plenary) <ul style="list-style-type: none"> Introduce presenter Brief overview of the presentation, including topic and key content 	David Loukidelis
8:45am – 9:00am	Question Period (Plenary) <ul style="list-style-type: none"> Pre-submitted questions posed to presenter Moderated opportunity for additional participant questions and comments 	David Loukidelis Dr. Gerhard Ploeg Dr. James Bonta
9:00am – 10:10am	Discussion (Breakout) <ul style="list-style-type: none"> Building upon the discussion from day one, participants will be asked to identify the obstacles and barriers we are likely to encounter, along with potential opportunities and/or strategies for addressing them <p>Question 1: What is preventing us from maximising existing approaches and/or implementing novel strategies to increase diversion and other alternatives, while simultaneously reducing the utilization of short-term incarceration?</p> <p>Question 2: How might these obstacles and barriers be overcome? What opportunities exist or could potentially be created?</p>	Breakout discussion
10:10am – 10:40am	Wellness Break	

Session 4: Establishing our Pathway Forward and Identifying Needed Enablers

MANDATORY PRE-SUMMIT PREPARATORY MATERIALS ([link](#))

- **Collaborative Community Sessions – Building Community Wellness:** Presentation from Constable Mike Grandia from the Delta Police Department on practical approaches to prevention and diversion, drawing from youth justice experiences with the Tsawwassen First Nation *[Video – 23 min]*
- **Exploring Available Diversion and Alternative Approaches to Incarceration:** An expert panel discussion exploring some of the available options for diversion and other alternatives to short-term incarceration in BC *[Video – 33 min]*

Panel Members:

- Marcie Mezzarobba (Executive Director, Victim Services and Crime Prevention, BC Ministry of Public Safety and Solicitor General)
- Christianne Paras (Executive Director, Restorative Justice Association of BC)
- Natalie Robins (BC Regional Coordinator, Indigenous Justice Program, Department of Justice Canada)
- Anna Tonasket (Restorative Justice Manager, South Okanagan Restorative Justice Program & Vice President of the Indigenous Justice Association)

Time	Description	Lead(s)/Presenter(s)
10:40am – 10:45am	Introduction (Plenary) <ul style="list-style-type: none"> • Introduce presenter and panelists • Brief overview of the presentation and panel discussion, including topics and key content 	David Loukidelis
10:45am – 11:00am	Question Period (Plenary) <ul style="list-style-type: none"> • Pre-submitted questions posed to presenter and panelists • Moderated opportunity for additional participant questions and comments 	David Loukidelis Mike Grandia Marcie Mezzarobba Christianne Paras Natalie Robins Anna Tonasket
11:00am – 12:10pm	Discussion (Breakout) <ul style="list-style-type: none"> • A capstone discussion that encourages participant organizations to reflect upon the Justice Summit dialogue and offer practical suggestions for how their profession and/or organization can contribute to positive change <p>Question 1: Within your breakout session, record up to five practical steps that participants feel should be taken in British Columbia to reduce our reliance on short-term incarceration.</p> <p>Question 2: Of these five actions, identify the two which are (a) most urgently needed, and (b) the most feasible.</p>	Breakout discussion

Closing Remarks

Time	Description	Lead(s)/Presenter(s)
12:10pm – 12:30pm	Day Two Summary (Plenary) <ul style="list-style-type: none"> • Summary of key themes and takeaways from the day and official close of proceedings • Overview of the process and timelines for producing the Sessions 1 – 4 report-outs and next steps 	David Loukidelis

Official Proceedings: November 27, 2020 (9:30am – 11:45am PST)
Plenary Remarks

Time	Description	Lead(s)/Presenter(s)
9:30am – 9:40am	Opening (Plenary) <ul style="list-style-type: none"> Brief summary of the process used to develop the Sessions 1 – 4 report-outs 	David Loukidelis

Session 5: Report-outs for Sessions 1 – 4
MANDATORY PREPARATORY MATERIALS GENERATED AFTER NOVEMBER 20-21, 2020 ([link](#))

Each session report-out will offer a consolidated synopsis of all breakout discussions, including key themes and an exploration of areas where there appears to be stronger agreement, disagreement and suggestions.

- **Session 1 Report-out: Use of Short-Term Incarceration – Our Views on the Current State and a Vision for the Future** [PDF – approx. 3 pages]
- **Session 2 Report-out: Diversion and Alternatives to Short-Term Incarceration – Turning Aspirations into Practical Strategies** [PDF – approx. 3 pages]
- **Session 3 Report-out: Addressing Obstacles and Barriers to Achieving our Vision** [PDF – approx. 3 pages]
- **Session 4 Report-out: Establishing our Pathway Forward and Identifying Needed Enablers** [PDF – approx. 3 pages]

Time	Description	Lead(s)/Presenter(s)
9:40am – 10:05am	Session 1 Report-out (Plenary) <ul style="list-style-type: none"> Brief overview of the Session 1 report-out Moderated opportunity for additional participant comments 	David Loukidelis
10:05am – 10:30am	Session 2 Report-out (Plenary) <ul style="list-style-type: none"> Brief overview of the Session 2 report-out Moderated opportunity for additional participant comments 	David Loukidelis
10:30am – 10:55am	Session 3 Report-out (Plenary) <ul style="list-style-type: none"> Brief overview of the Session 3 report-out Moderated opportunity for additional participant comments 	David Loukidelis
10:55am – 11:20am	Session 4 Report-out (Plenary) <ul style="list-style-type: none"> Brief overview of the Session 4 report-out Moderated opportunity for additional participant comments 	David Loukidelis

Closing Remarks

Time	Description	Lead(s)/Presenter(s)
11:20am – 11:25am	Day Three Summary (Plenary) <ul style="list-style-type: none"> Summary of key themes and takeaways from the overall Justice Summit Overview of the process and timelines for producing the Justice Summit Summary of Proceedings and next steps 	David Loukidelis
11:25am – 11:45am	Closing (Plenary) <ul style="list-style-type: none"> Closing remarks from the Associate Chief Justice of the Supreme Court of British Columbia 	David Loukidelis Honourable Heather J. Holmes

	<ul style="list-style-type: none"> • Reflections from Indigenous Elders in attendance • Official Justice Summit adjourning remarks from the Minister of Public Safety and Solicitor General 	Indigenous Elders TBD Minister of Public Safety and Solicitor General TBD
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Appendix 2 – Participants

Note that due to personal scheduling, some of the individuals listed below may have only attended portions of the overall Justice Summit programme. The following list does not reflect the specific sessions each individual participated in.

Anderson, Lisa (Assistant Deputy Minister, BC Corrections, Ministry of Public Safety and Solicitor General)

Athwal, Ray (Sergeant, Delta Police Department)

Askeland, Gaelene (Executive Director, BC First Nations Justice Council)

Avison, Don, QC (Executive Director and Chief Executive Officer, Law Society of British Columbia)

Banks, Brett (Senior Policy Analyst, Victim Services and Crime Prevention, Ministry of Public Safety and Solicitor General)

Barrow, Geoffrey (Justice (Retired), Supreme Court of British Columbia)

Bauman, Honourable Robert (Chief Justice of British Columbia, Court of Appeal)

Bayes, Shawn (Chief Executive Officer, Elizabeth Fry Society of Greater Vancouver)

Benton, Mark, QC (Chief Executive Officer, Legal Aid BC)

Bond, Allison (Deputy Minister, Ministry of Children and Family Development)

Bonta, Dr. James (Director (Retired), Corrections Branch, Public Safety Canada - *Presenter*)

Boucher, Denis (Regional Deputy Commissioner, Correctional Service of Canada)

Brewer, John (Superintendent, RCMP E Division, Enhanced Community and Aboriginal Policing, Criminal Operations, Core Policing, and Community - Industry Response Group)

Brown, Mary (Program Director, Heiltsuk Gwi'las Restorative Justice Department)

Butterworth-Carr, Brenda (Assistant Deputy Minister and Director of Police Services, Policing and Security Branch, Ministry of Public Safety and Solicitor General)

Byres, David (Associate Deputy Minister, Clinical Leadership, Ministry of Health)

Byrne, Lisa (Inspector, Court and Detention Services Section, Vancouver Police Department)

Campbell, Tracy (Assistant Deputy Minister, Corporate Management Services Branch, Ministry of Public Safety and Solicitor General)

Christensen, Suzanne (Assistant Deputy Minister, Research, Innovation and Policy Division, Social Development and Poverty Reduction)

Churchill, Chris (Defence Counsel, Independent Defence Counsel)

Cooke, Angela (Vice President, Operations, BC Housing)

Cronin, Kasandra (President and Chair, Criminal Defence Advocacy Society)

Crosby-Jones, Brett (Deputy Chief Constable, Abbotsford Police Department)

Dandurand, Yvon (Professor of Criminology, University of the Fraser Valley)

de Boer, Richard, QC (Director, Policy and Justice Issues, BC Prosecution Service, Ministry of Attorney General)

De Jager, Ted (Superintendent / President, RCMP E Division; President, BC Association of Chiefs of Police)

Dobmeier, Teresa (Service Delivery Division, Assistant Deputy Minister, Ministry of Children and Family Development)

Eby, David, QC (Attorney General of British Columbia, Ministry of Attorney General)

Edkins, Al (Senator, Vancouver Island and Powell River / Elder, Métis Nation BC)

Ens, Sam (Provincial Manager - Diversion and Early Intervention, BC First Nations Justice Council)

Farnworth, Mike (Minister, Ministry of Public Safety and Solicitor General - *Speaker*)

Felicella, Guy (Peer Clinical Advisor, BC Centre on Substance Abuse - *Presenter*)

Fyfe, Richard, QC (Deputy Attorney General, Ministry of Attorney General - *Speaker*)

Galbraith, David (Deputy Minister, Ministry of Social Development and Poverty Reduction)

Gall, Chris (Chief Public Affairs Officer & General Legal Counsel, Métis Nation BC)

Gerhart, Todd (Chief Federal Prosecutor, BC Region, Public Prosecution Service of Canada)

Gervin, Mark (Vice President, Criminal Defence Advocacy Society)

Gillespie, Honourable Melissa (Chief Judge, Provincial Court of British Columbia)

Grandia, Mike (Constable, Delta Police Department - *Presenter*)

Griffiths, David (Manager, Criminal Immigration and Appeals, Legal Aid BC)

Halter, Dillon (Executive Director and Provincial Director of Youth Justice, Specialized Intervention and Youth Justice Branch, Ministry of Children and Family Development - *Presenter*)

Harrington, Molly (Assistant Deputy Minister, Research, Innovation and Policy Division, Social Development and Poverty Reduction)

Hinkson, Honourable Christopher (Chief Justice, Supreme Court of British Columbia)

Holmes, Honourable Heather (Associate Chief Justice, Supreme Court of British Columbia - *Speaker*)

Illingworth, Heidi (Federal Ombudsman for Victims of Crime, Office of the Federal Ombudsman for Victims of Crime - *Panelist*)

Jennings, Clare (Vice President, Canadian Bar Association BC Branch)

Josephy, Beatrix (Defence Counsel, Beatrix Josephy Law Corporation)

Juk, Peter, QC (Assistant Deputy Attorney General, BC Prosecution Service, Ministry of Attorney General)

Krygier, Kevin (Sergeant, Ops Support NCO, RCMP E Division, Community Industry Response Group)

Laidman, Jason (Deputy Chief Constable, Victoria Police Department)

Lawrence, Michelle (Executive Lead, Mental Health and Substance Use, Northern Health Authority)

Leung, Karen (Legal Officer, Office of the Chief Judge, Provincial Court of British Columbia)

Macpherson, Stephanie (Provincial Director, Adult Custody, BC Corrections, Ministry of Public Safety and Solicitor General)

Manton, Jenny (A/Assistant Deputy Minister, Court Services Branch, Ministry of Attorney General)

May, Cheryl (Assistant Deputy Minister, Office of Housing and Construction Standards, Ministry of Municipal Affairs and Housing)

McBride, Heidi (Executive Director of Judicial Administration and Senior Counsel, Superior Courts Judiciary)

McLean, Kimberley (Provincial Director, Strategic Operations, BC Corrections, Ministry of Public Safety and Solicitor General)

McPhee, Annita (Director, BC First Nations Justice Council)

McPherson, Chris, QC (Second Vice President, Law Society of British Columbia)

Mezzarobba, Marcie (A/Assistant Deputy Minister, Community Safety and Crime Prevention Branch, Ministry of Public Safety and Solicitor General - *Panelist*)

Miller, Mark (Chief Executive Officer, John Howard Society Pacific)

Milne, Gala (Senior Ministerial Assistant, Ministry of Attorney General)

Morris, Jonny (Chief Executive Officer, BC Division, Canadian Mental Health Association - *Panelist*)

Morris, Mike (Opposition Critic, Ministry of Public Safety and Solicitor General)

Morrison, Brenda (Associate Professor, School of Criminology, The Centre for Restorative Justice, Simon Fraser University)

Naccarato, Dr. Sam (Physician Team Leader, Strathcona Mental Health Team, Vancouver Coastal Health Authority)

Nevin, Caroline (Chief Executive Officer, Courthouse Libraries BC)

Paras, Christianne (Executive Director, Restorative Justice Association of BC - *Panelist*)

Paterson, Josh (Executive Director, Law Foundation of BC)

Pelletier, Lynn (Vice President, BC Mental Health and Substance Use Services, Provincial Health Services Authority)

Pemberton, Kristine (Constable, Delta Police Department)

Peters, Boyd (Director, BC First Nations Justice Council)

Ploeg, Dr. Gerhard (Senior Adviser, Directorate of Correctional Service, Norway - *Presenter*)

Rankin, Laurence (Deputy Chief Constable, Investigation Division, Vancouver Police Department)

Reeve, Marilou (Counsel, Department of Justice Canada)

Robins, Natalie (BC Regional Coordinator, Indigenous Justice Program, Department of Justice Canada - *Panelist*)

Rudolf, Sally (Legal Counsel, Office of the Chief Justice, Court of Appeal for British Columbia)

Rutquist, Larissa (Manager, Indigenous Courtwork Program, Policy Implementation Directorate, Department of Justice Canada)

Sandstrom, Kurt, QC (Assistant Deputy Minister, Justice Services Branch, Ministry of Attorney General)

Serr, Mike (Chief Constable, Abbotsford Police Department - *Panelist*)

Shackelly, Darryl (Acting Executive Director, Native Courtworker and Counselling Association of BC)

Sieben, Mark (Deputy Solicitor General, Ministry of Public Safety and Solicitor General)

Simmons, Kerry, QC (Executive Director, Canadian Bar Association BC Branch)

Small, Bill (Provincial Director, Community Corrections, BC Corrections, Ministry of Public Safety and Solicitor General)

Smith, Lissa (Vice President and Minister of Veterans, Justice, Métis Rights and Senate Liaison, Métis Nation BC)

Somers, Julian (Professor of Criminology, Faculty of Health Sciences, Simon Fraser University - *Presenter*)

Spier, Colleen (Executive Director, Indigenous Justice Strategy, Justice Services Branch, Ministry of Attorney General)

Statton, Joel (Senior Manager, Court Services Branch, Ministry of Attorney General)

Stevens, Lori (Regional Crown Counsel, BC Prosecution Service, Ministry of Attorney General)

Strachan, Jennifer (Deputy Commissioner and Commanding Officer, RCMP)

Stubbs, Eric (Assistant Commissioner, Criminal Operations Officer, RCMP E Division)

Thatcher, Stephen (Assistant Commissioner, Lower Mainland District Commander, RCMP E Division)

Thompson, Sabena (Crown Counsel, BC Prosecution Service, Ministry of Attorney General)

Tonasket, Anna (Restorative Justice Manager, South Okanagan Restorative Justice Program - *Panelist*)

Tyler, Chris (Indigenous Justice Program Service Provider, Kwadacha Nation)

Van Veen, Chris (Director, Strategic Initiatives and Public Health Planning, Vancouver Coastal Health Authority)



Walsh, Taryn (Assistant Deputy Minister,
Strategic Priorities and Initiatives Division,
Ministry of Mental Health and Addictions)

White, Doug (Chair, BC First Nations Justice
Council)

Whonnock, Syexwáliya Ann (Elder,
Squamish Nation - *Speaker*)

Wilson, Kory (Director, BC First Nations
Justice Council)

Wishart, Honourable Susan (Associate Chief
Judge, Provincial Court of British Columbia)

Yazzie, Rosalie (Director, BC First Nations
Justice Council)

Appendix 3 – Steering Committee

The Justice Summit agenda, presenters and participants list, and discussion questions were collaboratively developed by the multi-disciplinary Steering Committee, with assistance from the Coordination Team.

The Justice Summit Steering Committee Members and Judicial Observers are as follows:

Currie, Tami (Chair) (Executive Director, Strategic Planning, Engagement and Delivery Division, Corporate Management Services Branch, Ministry of Attorney General)

de Boer, Richard, QC (Director, Policy and Justice Issues, BC Prosecution Service, Ministry of Attorney General)

Brewer, John (Superintendent, RCMP E Division, Enhanced Community and Aboriginal Policing, Criminal Operations, Core Policing, and Community - Industry Response Group)

Byrne, Lisa (Inspector, Court and Detention Services Section, Vancouver Police Department)

Ens, Sam (Provincial Manager - Diversion and Early Intervention, BC First Nations Justice Council)

Gervin, Mark (Criminal Defence Lawyer, Criminal Defense Advocacy Society)

Griffiths, David (Manager, Criminal Immigration and Appeals, Legal Aid BC)

Halter, Dillon (Executive Director, Executive Director, Specialized Intervention and Youth Justice Branch and Provincial Director of Youth Justice, Ministry of Children and Family Development)

Leung, Karen (Judicial Observer) (Legal Officer, Office of the Chief Judge, Provincial Court of British Columbia)

Loukidelis, David, QC (Lead Facilitator) (Principal, David Loukidelis QC Law Corporation)

McBride, Heidi (Judicial Observer) (Executive Director of Judicial Administration and Senior Counsel, Superior Courts Judiciary)

McLean, Kimberley (Provincial Director, Strategic Operations, BC Corrections, Ministry of Public Safety and Solicitor General)

Mezzarobba, Marcie (Executive Director, Victim Services and Crime Prevention, Ministry of Public Safety and Solicitor General)



Morris, Jonny (Chief Executive Officer,
Canadian Mental Health Association BC)

Rudolf, Sally (Judicial Observer) (Legal
Counsel, Office of the Chief Justice, Court of
Appeal for British Columbia)

Rutquist, Larissa (Manager, Indigenous
Courtwork Program, Policy Implementation
Directorate, Department of Justice Canada)

Smith, Lissa (Vice President and Minister of
Veterans, Justice, Métis Rights and Senate
Liaison, Métis Nation BC)

Walsh, Taryn (Assistant Deputy Minister,
Strategic Priorities and Initiatives Division,
Ministry of Mental Health and Addictions)



2021 Bencher & Executive Committee Meetings

Executive Committee	Bencher	Other Dates
Thursday, January 14	Friday, January 29	Jan 1: New Year's Day Jan 29: Welcome/Farewell Dinner
Thursday, February 18	Friday, March 5	Feb 15: Family Day TBD: Federation Spring Meetings March 15-26: Spring Break
Thursday, April 8	Friday, April 23	Apr 2-5: Easter
Thursday, May 13	Friday, May 28	May 24: Victoria Day TBD: LSA Retreat
Thursday, June 24	Friday, July 9	July 1: Canada Day July 7: Commemorative Certificate Luncheon Aug 2: BC Day Aug 25-29: IILACE Conference
Thursday, September 9	Friday, September 24	Sept 6: Labour Day Sept 6 (sundown)-Sept 8 (sundown): Rosh Hashanah Sept 15 (sundown)-Sept 16 (sundown): Yom Kippur
Thursday, September 30	Saturday October 16	Oct 5: AGM Oct 11: Thanksgiving Day Oct 14-16: LSBC Bencher Retreat (TBC) TBD: Federation Fall Meetings Oct 17-22: IBA Annual Conference
Thursday, November 18	Friday, December 3	Nov 11: Remembrance Day Nov 15: Bencher Election Nov 28 (sundown)-Dec 6 (sundown): Hanukkah Dec 25: Christmas Day Dec 26: Boxing Day



2022 Bencher & Executive Committee Meetings

Executive Committee	Bencher	Other Dates
Thursday, January 13	Friday, January 28	Jan 1: New Year's Day Jan 3: Public Holiday (in lieu of New Years' Day) January 28: Welcome/Farewell Dinner
Thursday, February 17	Friday, March 4	Feb 1: Lunar New Year Feb 21: Family Day TBD: Federation Spring Meetings March 14 - 25: Spring Break
Thursday, April 7	Friday, April 22	April 2 (sundown)-May 1 (sundown): Ramadan April 14 - Vaisakhi Apr 15 - 18: Easter
Thursday, May 12	Saturday, May 28	May 2 (sundown) – 3 (sundown) Eid May 23: Victoria Day May 26-28: LSBC Bencher Retreat TBD: LSA Retreat
Thursday, June 23	Friday, July 8	June 21: National Indigenous Peoples Day June 22: AGM July 1: Canada Day Aug 1: BC Day
Thursday, August 25 (if necessary)	Friday, September 9 (if necessary)	Sept 5: Labour Day Sept 25(sundown) - 27(sundown): Rosh Hashanah Sept 30: Orange Shirt Day
Thursday, September 22	Friday, October 7	Oct 4 (sundown) - 5 (sundown): Yom Kippur Oct 10: Thanksgiving Day Oct 24: Diwali TBD: IILACE Conference
Thursday, October 20	Friday, November 4	Nov 1: Bencher Election Nov 11: Remembrance Day TBD: Federation Fall Meetings
Thursday, November 17	Friday, December 2	TBD: IBA Annual Conference TBD: Recognition Dinner Dec 18 (sundown) - 26 (sundown): Hanukkah Dec 25: Christmas Day Dec 26: Boxing Day Dec 26 – Jan 1: Kwanzaa