



Minutes

Annual General Meeting

Date: October 30, 2018

Place: Fairmont Hotel Vancouver (The Panorama Roof)
900 West Georgia Street, Vancouver

Audio Conference Locations: Castlegar, Dawson Creek, Kamloops, Kelowna, Nanaimo,
Prince George, Smithers, Victoria

Date: December 04, 2018

Place: Hyatt Regency Vancouver (Regency Ballroom)
655 Burrard Street, Vancouver

Audio Conference Locations: Abbotsford, Castlegar, Courtenay, Cranbrook, Dawson
Creek, Kamloops, Kelowna, Nanaimo, Prince George,
Prince Rupert, Smithers, Surrey, Terrace, Victoria

1. Introduction at the October 30, 2018 meeting

President Miriam Kresivo, QC called the meeting to order and conducted a roll call of attendance at the locations and online. In addition to the main meeting location in Vancouver, there were the following audio-conference locations: Castlegar, Dawson Creek, Kamloops, Kelowna, Nanaimo, Prince George, Smithers, Victoria.

At the beginning of the meeting, 319 members and 7 students were in attendance, and 1,446 members participated in the meeting online. Combining online and in-person attendance, there were a total of 1,765 members in attendance and 7 students.

President Kresivo declared that a quorum was present, pursuant to Rule 1-10.

2. Minutes

The minutes of the meeting held on October 03, 2017 were approved.

3. Benchers update on proceedings since last meeting

President Kresivo reported that, since the last Annual General Meeting (AGM), the Benchers have been engaged in a variety of activities and initiatives relating to the strategic plan. One such initiative is the Mental Health Task Force, which Benchers established to look at and make recommendations regarding mental health in the legal profession. She said the task force has been looking at ways to reduce the stigma of mental health issues and how best to deal with mental health issues in the context of discipline and admissions processes. The first interim report from the task force is on the Bencher agenda for consideration at the November meeting.

As part of the Law Society's efforts to improve access to justice in BC, the Benchers established an Alternate Legal Service Provider Working Group to consider the scope of practice and qualifications for alternate legal service providers in the area of family law, as well as the scope of services alternate legal service providers may provide. The Law Society has also been seeking amendments to the *Legal Profession Act* to permit the regulation of these new classes of legal service providers.

President Kresivo also reported that the Law Society had made a submission on legal aid to the Standing Committee on Finance and Government Operations and that the Law Society will be holding a second colloquium in November to follow up on the work of the Law Society's Legal Aid Advisory Committee and the Vision for publicly funded legal services.

The Truth and Reconciliation Advisory Committee produced a Truth and Reconciliation Action Plan that was approved and adopted by the Benchers. It is expected that the action plan will guide the Law Society as it continues to engage with a meaningful response to the calls to action.

The Law Society implemented the first step in regulating law firms with the requirement that law firms register with the Law Society. As a result, the Law Society was able to record information about more than 3000 BC law firms and identify a designated representative for each firm. A pilot project to evaluate a law firm self-assessment tool was also rolled out. She said the responses to the pilot project have been received and the Benchers will consider the results later in the year.

President Kresivo also reported that that the second annual Rule of Law Lecture held in the fall was a very successful event. Former Supreme Court of Canada Justice Ian Binnie, CC, QC, National Post columnist Jonathan Kay and Dean Catherine Dauvergne engaged in a lively dialogue on how the rule of law and social justice interact and intersect, which was well received by those in attendance at the lecture.

Finally, President Kresivo was pleased to name Rick Peck, QC as the recipient of the 2018 Law Society Award.

President Kresivo concluded her report on the activities of the Benchers since the last Annual General Meeting.

4. Address by Attorney General, David Eby

The Honourable David Eby, QC was in attendance at the Victoria audio-conference location and asked to address the meeting, as the resolutions to be considered at the meeting focused on access to justice issues. He spoke about government's financial investment in access to justice initiatives, the important of working together to solve the access to justice problem, and his support for the Law Society's initiative to seek to establish and regulate new categories of legal service providers in BC. Mr. Eby also expressed his support for the resolutions regarding the provision of pro bono services.

5. Election of Second Vice-President for 2019

Victoria County Bencher Pinder K. Cheema nominated Victoria County Bencher Dean P.J. Lawton, QC for election as Second Vice-President for 2019. There being no further nominations, President Kresivo declared Mr. Lawton acclaimed as the Law Society's Second Vice-President-elect for 2019.

6. Appointment of Auditors for 2018 Fiscal Year

Second Vice-President Craig Ferris, QC moved (seconded by First Vice-President Nancy Merrill, QC) that PriceWaterhouse Coopers be appointed as the Law Society auditors for the year ending December 31, 2018.

A technical issue experienced with the online voting prevented the online ballot from being completed. As the issue could not be resolved in a timely manner, President Kresivo adjourned the meeting to a later date and time.

CONTINUATION OF AGM ON DECEMBER 4, 2018

7. Introduction at the December 4, 2018 meeting

President Kresivo called the meeting to order and conducted a roll call of attendance. In addition to the main meeting location in Vancouver, there were the following audio-conference locations: Abbotsford, Castlegar, Courtenay, Cranbrook, Dawson Creek, Kamloops, Kelowna, Nanaimo, Prince George, Prince Rupert, Smithers, Surrey, Terrace, Victoria.

It was declared that a total of 307 members and 6 students attended the various location in-person, and 1,214 members and 16 students participated in the meeting online. This amounted to a total of 1,521 members and 22 students in attendance.

President Kresivo declared that a quorum was present, pursuant to Rule 1-10.

8. Resolution 1: Appointment of Law Society Auditors for 2018

The first item on the agenda when the meeting resumed on December 4, 2018 was the vote on the appointment of the auditors for the year ending 2018.

The motion was carried (1342 in favour, 21 opposed, 74 abstentions).

9. Resolution 2: Mandatory Pro Bono Legal Aid Services

Resolution 2 was a member resolution submitted by Mr. Kevin McCullough and Ms. Danielle Young. As the member resolution was signed by at least two members of the Law Society in good standing and received by the Executive Director at least 40 days before the AGM in accordance with Rule 1-8(6)(b), President Kresivo accepted the resolution as moved and seconded.

The resolution as originally stated is below:

BE IT RESOLVED that:

- 1) The Benchers are directed to amend the Rules of the Law Society to include a professional obligation on all practising lawyers to perform a minimum level of pro bono Legal Services Society legal services.
- 2) The Rules shall provide that mandatory pro bono service would be completed by contacting the Legal Services Society for assignment of a case as per the following:
 - i. A lawyer who, without payment, assumes conduct of a summarily proceeding criminal matter assigned by the Legal Services Society will be deemed to have completed the professional obligation for pro bono Legal Aid services for a period of 2 years.
 - ii. A lawyer who, without payment, assumes conduct of a Family Law Act proceeding assigned by the Legal Services Society will be deemed to have completed the professional obligation for pro bono Legal Aid services for a period of 4 years.

- iii. A lawyer who, without payment, assumes conduct of a Child Family and Community Service Act proceeding assigned by the Legal Services Society will be deemed to have completed the professional obligation for pro bono Legal Aid services for a period of 4 years.
 - iv. A lawyer who, without payment, assumes conduct of an immigration refugee claim assigned by the Legal Services Society will be deemed to have completed the professional obligation for pro bono Legal Aid services for a period of 3 years.
- 3) The Rules shall also provide that practising lawyers may opt out of performing the mandatory pro bono legal services requirement with some form of penalty.

Mr. McCullough, with the agreement of Ms. Young, moved to amend the resolution. Mr. Richard Fowler seconded the amended motion.

The proposed amendment to the resolution is below:

WHEREAS the continued underfunding of legal aid is inconsistent with the rule of law and international obligations, and

WHEREAS the continued underfunding of legal aid is disproportionately harmful to women, the poor, and indigenous peoples, it is hereby proposed that:

- 1) the Benchers be directed to continue to advocate for the adequate funding of legal aid, to be administered by an organization independent from government; and
- 2) the Benchers be directed to take steps to encourage, incentivize and reduce barriers to members to undertake legal aid and pro-bono cases, within their field of expertise, which assist women, indigenous peoples or relate to poverty law, for a minimum of 25 hour per calendar year.

President Kresivo reminded attendees that amendments are themselves debatable and invited Mr. McCullough to speak to the amendment.

Mr. McCullough spoke in favour of the amendment, followed by Mr. Fowler. President Kresivo then invited other members of Law Society in BC to debate the amendment.

Mr. Yan Gertsoyg put forward a motion to amend the proposed amendment to remove “incentivize” and “which assist women, indigenous peoples or relate to poverty law, for a minimum of 25 hour per calendar year” from paragraph (2) of the proposed amendment.

If approved, the amended proposed amendment would read as follows:

- 1) the Benchers be directed to continue to advocate for the adequate funding of legal aid, to be administered by an organization independent from government; and
- 2) the Benchers be directed to take steps to encourage and reduce barriers to members to undertake legal aid and pro-bono cases, within their field of expertise.

The motion was seconded by Mr. Ken Cawkell.

President Kresivo invited members to speak to the amendment to the proposed amendment.

Ms. Claire E. Hunter, QC spoke against the proposed amendment to the amendment and in favour of the original amendment. Ms. Angela McCue spoke in favour of the amended motion and against the amendment to the amendment.

In response to a comment from a member about the whether the proposed amendment to the resolution was in order, President Kresivo's view was that the proposed amendment was on the same topic as the original resolution and did not go beyond the scope of the notice given for the original resolution. She therefore ruled both the amended resolution, and the amendment to the amendment, in order and allowed debate to continue.

Mr. Anders Ourum then put forward a motion to call the previous question. The motion was seconded by Ms. Martha Rans.

President Kresivo initiated an immediate vote on whether to close debate on the amendment to the proposed amendment and vote on the substance of the amendment to the proposed amendment. The question to be voted on was whether the meeting should now vote on the amendment to the proposed amendment to Resolution 2.

The motion to call the previous question was carried (1,333 in favour, 234 opposed, 92 abstentions).

President Kresivo then called the vote on whether to amend the proposed amendment to Resolution 2 as follows:

BE IT RESOLVED that:

- 1) the Benchers be directed to continue to advocate for the adequate funding of legal aid, to be administered by an organization independent from government; and
- 2) the Benchers be directed to take steps to encourage and reduce barriers to members to undertake legal aid and pro-bono cases, within their field of expertise.

The motion to amend the proposed amendment was carried (1,078 in favour, 566 opposed, 84

abstentions).

President Kresivo invited debate on whether the proposed amendment, as amended, should replace Resolution 2. Mr. Michael Mulligan spoke in favour of the original resolution that was proposed, followed by Mr. John Boon who spoke to the larger issues at play.

President Kresivo then called the vote on whether or not to replace Resolution 2 with the proposed amendment, as amended.

The motion to replace Resolution 2 with the proposed amendment, as amended, was carried (1,400 in favour, 227 opposed, 47 abstentions).

President Kresivo then called the vote on Resolution 2, as amended. The question to be voted on was the substance of the following resolution:

BE IT RESOLVED that:

- 1) the Benchers be directed to continue to advocate for the adequate funding of legal aid, to be administered by an organization independent from government; and
- 2) the Benchers be directed to take steps to encourage and reduce barriers to members to undertake legal aid and pro-bono cases, within their field of expertise.

The motion was carried (1,302 in favour, 368 opposed, 59 abstentions).

10. Resolution 3: Non-Lawyer Legal Service Providers

Resolution 3 was a member resolution submitted by Mr. Peter Leask, QC and Ms. Karen Nordlinger, QC. As the member resolution was signed by at least two members of the Law Society in good standing and received by the Executive Director at least 40 days before the AGM in accordance with Rule 1-8(6)(b), President Kresivo accepted the resolution as moved and seconded.

The resolution as originally stated is below:

BE IT RESOLVED that:

- 1) the membership directs the Benchers to withdraw their application to the provincial government seeking legislative amendments to the *Legal Profession Act*, S.B.C. 1998, c. 9, to enable the Law Society to create, credential and regulate new categories of non-lawyer legal service providers and directs the Benchers to refrain from any further action to have non-lawyers practise law.

President Kresivo invited Mr. Leask to speak to the resolution.

Mr. Leask spoke in favour of the motion and put forward a motion to amend the resolution as follows:

BE IT RESOLVED that the membership directs the Benchers:

- 1) To request that the provincial government not pass Regulations to bring the licensed paralegal amendments into force until the Benchers have had more time to complete their consultations regarding licensed paralegals, and
- 2) Not to authorize licensed paralegals to practice Family Law under the authority provided in the amendments to the *Legal Profession Act*.

Ms. Angela Dunn seconded the amendment to Resolution 3.

Mr. Leask then spoke to the amendment to Resolution 3.

After confirming there was no-one else wishing to speak to the amendment, President Kresivo called the vote on the proposed amendment to Resolution 3. The question to be voted on was whether the proposed amendment to Resolution 3 should replace Resolution 3, as originally stated.

The motion to amend Resolution 3 was carried (1,162 in favour, 97 opposed, 118 abstentions).

Ms. Diana Davidson spoke against the main motion. Mr. Leask and Ms. Nordlinger spoke in favour of Resolution 3, as amended. Mr. Bill Veenstra, QC and Mr. Bruce LeRose, QC spoke against the resolution, followed by Ms. Elaine Kurek, who provided some suggestions related to the resolution for further consideration. A member in Kamloops spoke in favour of Resolution 3, as amended, before Mr. Leask addressed the meeting for a further time. Finally, Ms. Kari Boyle and Mr. David Davidson spoke against Resolution 3, as amended.

Mr. Ron Kaye then put forward a motion to call the previous question, which was seconded by Ms. Martha Rans.

President Kresivo then initiated an immediate vote on whether to close debate on Resolution 3, as amended, and vote on the substance of Resolution 3, as amended.

The motion to close debate and vote on Resolution 3, as amended, was carried (1,045 in favour, 72 opposed, 56 abstentions).

President Kresivo then called for the vote on the substance of Resolution 3, as amended. The question being voted on was the substance of the following resolution:

BE IT RESOLVED that the membership directs the Benchers:

- 1) To request that the provincial government not pass Regulations to bring the licensed paralegal amendments into force until the Benchers have had more time to complete their consultations regarding licensed paralegals, and
- 2) Not to authorize licensed paralegals to practice Family Law under the authority provided in the amendments to the *Legal Profession Act*.

The motion was carried (861 in favour, 297 opposed, 62 abstentions).

11. Resolution 4: Mandatory 10 Hours of Pro Bono per Calendar Year

Resolution 4 was a member resolution submitted by Ms. Amber Prince and Ms. Taruna Agrawal. As the member resolution was signed by at least two members of the Law Society in good standing and received by the Executive Director at least 40 days before the AGM in accordance with Rule 1-8(6)(b), President Kresivo accepted the resolution as moved and seconded.

The resolution as originally stated is below:

BE IT RESOLVED that lawyers practising in British Columbia be required to perform a minimum of 10 pro bono hours per calendar year in order to maintain their practice status.

Ms. Prince spoke in favour of the resolution, followed by Ms. Martha Rans. Mr. Ken Armstrong spoke against the resolution.

Mr. Brandon Veenstra then put forward a motion to call the previous question on Resolution 4, which was seconded.

President Kresivo immediately initiated a vote on whether to immediately vote on the substance of Resolution 4.

The motion to vote on the substance of Resolution 4 was carried (792 in favour, 81 opposed, 17 abstentions).

As a result, President Kresivo called the vote on the substance of Resolution 4.

The motion failed (106 in favour, 937 opposed, 19 abstentions).

12. Conclusion of the meeting

There being no further business, the President declared the meeting concluded.