



January 19, 2022

Sent via email

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Lisa Hamilton, QC
President

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Dear Jacqui:

Re: 2022 Mandate for Ethics and Lawyer Independence Advisory Committee

Thank you for agreeing to accept the appointment as Chair of the Ethics and Lawyer Independence Advisory Committee for 2022.

The 2021-2025 Strategic Plan and the Terms of Reference along with the particular priorities outlined below should guide the Ethics and Lawyer Independence Advisory Committee in its work this year.

The mandate of the Ethics and Lawyer Independence Advisory Committee is:

The Ethics and Lawyer Independence Advisory Committee identifies and considers issues of professional responsibility and develops recommendations for consideration by the Benchers, interprets existing rules and provides advice to individual members and to the members at large on matters of professional responsibility. The Committee also monitors, considers and advises the Benchers on matters relating to ethics and the rule of law and lawyer independence so that the Law Society can ensure its processes and activities preserve and promote the preservation of the rule of law and the independence and effective self-governance of lawyers.

I expect that you will ensure that all members of the Ethics and Lawyer Independence Advisory Committee understand the Terms of Reference, the Benchers Code of Conduct and the Law Society's workplace policies and

abide by them. I also expect that in your deliberations and decisions, the Ethics and Lawyer Independence Advisory Committee will expressly include consideration of the goals of facilitation of truth and reconciliation and diversity and inclusion. Finally, I expect that you will ensure the Ethics and Lawyer Independence Advisory Committee acts in the public interest and makes data-driven, evidence-based decisions that take into account the impact of the decisions on the public and the profession.

In particular, please keep in mind that the Benchers have directed that:

- a) Benchers committees are to help the Benchers do their job, not to help the staff do its jobs. Committees ordinarily will assist the Benchers by preparing policy alternatives and implications for Benchers deliberation.
- b) Benchers committees do not exercise authority over staff.
- c) In keeping with the Benchers' broader focus, Benchers committees will normally not have direct dealings with current staff operations.

I expect you and the members of Ethics and Lawyer Independence Advisory Committee will work in a professional and respectful manner with our staff.

During 2022, I would like to see the Ethics and Lawyer Independence Advisory Committee make substantial progress on the following:

1. *Review and consider the Code of Professional Conduct rule 3.4-1 and commentaries, and ensure it is up-to-date and adequately reflects subsequent decisions R. v. Neil and Strother v. 346920 Canada Inc., including the decision in CNR v. McKercher.*
2. *Review and consider the current annotations to the Code, and ensure they are accurate and up-to-date.*
3. *Proceed with the Rule of Law lecture series in 2022.*
4. *Monitor and consider current issues that may pose a threat or risk of erosion, to the rule of law in British Columbia, Canada, or abroad, and prepare articles, or other media as appropriate, on such subjects for consideration by the Executive Committee for publication for lawyer education, and protection of the public in the administration of justice.*

5. *Prepare a workplan for the committee for 2022 which sets out what the committee plans to accomplish and the dates for doing so and submit to the Executive Committee by March 30, 2022. The workplan is intended to be a plan, not a commitment, so it should be both reasonably aspirational and achievable.*
6. *Prepare and submit to the Executive Committee by December 9, 2022, an updated workplan for the committee which sets out what the committee has accomplished in 2022, and provides a draft, suggested workplan for the committee for 2023, including both what the committee believes it should accomplish and the dates for doing so next year.*

I look forward to hearing about the work of Ethics and Lawyer Independence Advisory Committee over the balance of the year and trust that you and the Ethics and Lawyer Independence Advisory Committee will make substantial progress on the matters I've suggested in this letter.

Yours truly,

A handwritten signature in black ink, appearing to be 'Lisa Hamilton', with a stylized, cursive script.

Lisa Hamilton, QC
President, Law Society of BC