

THE LAW SOCIETY OF BRITISH COLUMBIA

MINUTES

- MEETING:** Benchers
- DATE:** Friday, February 3, 2006
- PRESENT:**
- | | |
|---|-----------------------------|
| Robert McDiarmid, QC, President | Jan Lindsay |
| Anna Fung, QC, 1 st Vice-president | Thelma O'Grady |
| John Hunter, QC, 2 nd Vice-president | June Preston |
| Rita Andreone | Robert Punnett |
| Kathryn Berge, QC | David Renwick |
| Ian Donaldson, QC | Glen Ridgway, QC |
| Michael Falkins | Allan Seckel, QC, Deputy AG |
| Leon Getz, QC | Dirk Sigalet, QC |
| Carol Hickman | Richard Stewart |
| Gavin Hume, QC | Ronald Tindale |
| William Jackson | Gordon Turriff, QC |
| Patrick Kelly | Art Vertlieb, QC |
| Terry La Liberté, QC | James Vilvang, QC |
| Bruce LeRose | David Zacks, QC |
- NOT PRESENT:** Joost Blom, QC Dr. Maelor Vallance
- STAFF PRESENT:**
- | | |
|---------------------|-----------------|
| Timothy McGee, CEO | David Newell |
| Stuart Cameron | Jack Olsen |
| Mary Ann Cummings | Neil Stajkowski |
| Charlotte Ensminger | Alan Treleaven |
| Su Forbes, QC | Adam Whitcombe |
| Jeffrey Hoskins | Carmel Wiseman |
| Michael Lucas | |
- GUESTS:**
- Dean Mary Ann Bobinski, University of British Columbia
 - Dean Andrew Petter, QC, University of Victoria
 - Meg Shaw, President, CBABC
 - Frits Verhoeven, Vice-president, CBABC
 - Frank Kraemer, QC, Executive Director, CBABC
 - Johanne Blenkin, Chief Librarian, BCCLS
 - Rose Keith, Vice-president, Trial Lawyers Association
 - Jamie MacLaren, Executive Director, Pro Bono Law of BC
 - Wayne Robertson, Executive Director, BC Law Foundation

1. MINUTES

The minutes of the meeting held on December 9, 2006 were approved as circulated.

2. PRESIDENT'S REPORT

Mr. McDiarmid introduced the new Benchers and guests.

Mr. McDiarmid circulated a written report on his activities on behalf of the Law Society since taking office. He outlined his key priorities for they year, which are:

- ♦ To help sole and small firm practitioners to practice effectively
- ♦ To enhance the Law Society's relationship with the government.
- ♦ To implement the new trust assurance program to help lawyers who are having difficulty with trust account administration, and help the public with enhanced assurance.

Mr. McDiarmid said that he hoped it would be possible to eliminate the requirement for an external accountants report from most firms by 2007.

Mr. McDiarmid recalled a conversation he had with a partner who had been a Bencher. His partner said he had been unaware of the quality of the people he would be working with as a Bencher. Mr. McDiarmid said his experience had been the same, and it was a great privilege to sit as President of the Law Society.

At Mr. McDiarmid's invitation Mr. Vilvang spoke about Lay Bencher Patrick Nagle who passed away in January. The Benchers, guests and staff observed a moment of silence in remembrance of Mr. Nagle.

3. CEO'S REPORT

Mr. McGee circulated a written report. He reported that the year had "started with a bang" dealing with the Court of Appeal decision in *Christie v. AGBC*, which was handed down late in December, showing the ability of the government relations staff group to respond quickly and work constructively with government.

Mr. McGee said 2005 financial results would be presented to the Benchers at their March meeting, and reported that he did not expect any material difference from the projections made earlier.

With respect to operational priorities Mr. McGee said each priority initiative has an executive sponsor to ensure that it remained on track. He said he would be reviewing performance measures with the Audit Committee focusing on outcomes with the goal of replacing current monitoring indicators.

Mr. McGee reported that the Law Society was actively recruiting for three key positions in the Prosecutions Group. The recruiting effort tries to place the Law Society as the place to be if you are interested in cutting edge public interest law. Recruiting is also underway in the public response group. Mr. McGee said one of the key goals of the reorganization of the professional conduct and discipline area is to give the teams the tools needed to work effectively. Staff members have been meeting with the developers of a case management tool originally designed for the Law Society of Upper Canada, and have identified modification requirements. He anticipated bringing a business case for acquiring the software to the Benchers in the near future. He noted that it would likely represent an investment of between \$500,000 and \$800,000.

Mr. McGee reported that the Employee Council had been launched as part of the effort to ensure that there are effective avenues of communication both upwards and downwards. The twelve employees chosen for the council represent all departments and the management team has committed to working closely with the council.

Mr. McGee noted some recent positive media coverage on the Law Society's handling of the Wirick matter and the Berge discipline case. He also noted that the PLTC session in Nunavut was under way.

Dean Petter noted that the Nunavut PLTC followed on from the University of Victoria's law program delivered there, and he expressed his appreciation for the work that has been done to deliver PLTC to Nunavut law students.

4. REPORT ON OUTSTANDING HEARING DECISIONS

The Benchers received a report on outstanding hearing decisions.

5. AMENDMENTS TO THE *LEGAL PROFESSION ACT* WITH RESPECT TO OBTAINING EVIDENCE OUTSIDE BRITISH COLUMBIA

Mr. Donaldson reviewed a memorandum concerning obtaining evidence in discipline or credentials cases outside British Columbia. He said there had been cases where a citation was authorized but could be prosecuted because evidence from outside BC could not be obtained. The Discipline Committee recommended that the Law Society seek amendments to the *Legal Profession Act* to permit the Law Society to apply to the Supreme Court for a letter of request directed to the judicial authority in another jurisdiction to authorize the Law Society obtain evidence from a witness in that jurisdiction.

It was moved (Donaldson/Fung) to seek an amendment to the *Legal Profession Act* to permit the Supreme Court, on application and where it appears to the Court that a person outside the province may have evidence that may be relevant to an investigation or hearing under the Act, to issue a letter of request directed to the judicial authority of the jurisdiction in which the person to be examined is believed to be located.

Mr. Seckel noted that one of the next steps for the Attorney General's administrative justice review task force is to review the powers of tribunals under the *Administrative Tribunals Act* to make sure that they are up to date. Consequently, the issue is very timely, but the earliest the Law Society might expect to see change would be in 2007.

The motion was carried.

6. PROPOSED TRUST RULE AMENDMENTS – PART 3, DIVISION 7

Mr. Donaldson recalled for the Benchers the changes that were made to the annual trust report lawyers are required to file that were intended to provide more useful information about lawyers' trust accounts. He said several issues arose as a result of the changes, and further amendments were now proposed to ensure that all lawyers who handle trust funds are required to report

It was moved (Donaldson/Fung) to amend the Law Society Rules as follows:

1. ***In Rule 1, paragraph (b) of the definition of "trust funds", by striking "as a sole personal representative" and substituting "as a personal representative".***
2. ***In Rule 2-52(5.1), by rescinding paragraph (b).***
3. ***In Rule 3-51, by rescinding subrules (1) to (3) and substituting the following:***
 - (1) Subject to subrule (3) and Rule 3-54, a lawyer who receives trust funds must deposit the funds in a pooled trust account as soon as practicable.
 - (3) Despite subrule (1), a lawyer who receives trust funds with instructions to place the funds otherwise than in a pooled trust account may place the funds in a separate trust account in accordance with section 62(5) of the Act and Rule 3-53.

4. ***In Rule 3-58(3), by striking “with written instructions” and substituting “with instructions”.***
5. ***In Rule 3-72, by rescinding subrules (1) and (4) and substituting the following:***
 - (1) Subject to subrules (4) and (6), a lawyer must deliver to the Executive Director completed trust reports for reporting periods of 12 months covering all the time that the lawyer is a member of the Society.
 - (4) On a written request made before the due date of a trust report, the Executive Director may allow a lawyer to submit a trust report covering a time period other than 12 months.
 - (6) A non-practising or retired lawyer or a practising lawyer who is exempt under Rule 3-25 from the requirement to maintain professional liability insurance and pay the insurance fee, is not required to file a trust report for a reporting period of 12 months during which the lawyer has
 - (a) not received any funds in trust,
 - (b) not withdrawn any funds held in trust, and
 - (c) complied with this Division.
6. ***By rescinding Rule 3-73.***
7. ***In Rule 3-74, by rescinding subrules (1) to (3) and substituting the following:***
 - (1) A lawyer who does not deliver a trust report as required under Rule 3-72 or 3-75(4) is in breach of these Rules.
 - (2) A lawyer who fails to deliver a trust report by the date required under Rule 3-72 or 3-75(4) is deemed to have been in compliance with the Rules during the period of time that the lawyer was late in delivering the report if the lawyer delivers the following to the Executive Director within 30 days of the due date:
 - (a) the required report;
 - (b) the late fee specified in Schedule 1.
 - (3) A lawyer who does not deliver a trust report for 30 days after it is required under Rule 3-72 or 3-75(4) is liable to an assessment of \$400 per month or part of a month until the report is delivered.
8. ***In Rule 3-74.1, by rescinding subrules (1) and (2) and substituting the following:***
 - (1) A lawyer who does not deliver a trust report as required under Rule 3-72 or 3-75(4) has not met an acceptable standard of financial responsibility relating to the integrity and financial viability of the lawyer’s professional practice.
 - (2) A lawyer who does not deliver a trust report under Rule 3-72 or 3-75(4) for 60 days after it is required, is suspended until the report is completed to the satisfaction of the Executive Director and delivered as required.

- (2.1) A trust report is not delivered for the purposes of subrules (1) and (2) unless all explanations of exceptions required by the Executive Director are delivered to the Executive Director.

9. ***By rescinding Rule 3-78 and substituting the following:***

Former lawyers

- 3-78(1) A former lawyer must deliver a trust report as required under Rule 3-72 for any period during which the former lawyer was a member of the Society.
- (2) If a former lawyer does not deliver a trust report as required under subrule (1), an assessment under Rule 3-74 applies.

10. ***In Rule 3-80, by rescinding subrule (2) and substituting the following:***

- (2) Within 30 days after withdrawing from the practice of law in British Columbia, a lawyer or former lawyer must confirm to the Executive Director in writing that
- (a) the documents and property referred to in subrule (1)(a) to (d) have been disposed of, and any way in which the disposition differs from that reported under subrule (1),
 - (b) all trust accounts referred to in subrule (1)(e) have been closed and that
 - (i) all the balances have been
 - (A) remitted to the clients or other persons on whose behalf they were held,
 - (B) transferred to another lawyer with written instructions concerning the conditions attaching to them, or
 - (C) paid to the Society under Rule 3-82, and
 - (ii) any net interest earned on a pooled trust account has been remitted to the Foundation in accordance with this Division, and
 - (c) the lawyer or former lawyer has notified all clients and other persons for whom the lawyer is or potentially may become a personal representative, executor or trustee regarding the lawyer or former lawyer's withdrawal from practice and any change in his or her membership status.

Ms. Fung said the rules must be clearly communicated to lawyers who are ceasing practice and who might be caught by the rules. She suggested an article in the *Benchers' Bulletin* might be appropriate.

Ms. Berge suggested that lawyers be advised to keep records of files on which the lawyer might later become a personal representative.

The motion was carried by a majority of more than two thirds of the Benchers present.

7. ***PROFESSIONAL CONDUCT HANDBOOK CHAPTER 13, RULE 1: OBLIGATIONS OF BENCHERS AND STAFF GIVING ADVICE TO MEMBERS.***

Mr. Hume noted that this issue had been before the Benchers in the past. It concerns the obligations on Benchers and Law Society staff that flow from the mandatory reporting requirements of Chapter 13, Rule 1 of the *Professional Conduct Handbook*. The question is whether Benchers and/or Law Society staff should be partially exempt from the requirement to

report certain kinds of misconduct, other than misappropriation of trust funds, when lawyers seek their advice. There are competing interests. There is an interest in ensuring that lawyers are willing to seek advice on professional conduct matters, but there is also an interest in the Law Society being aware of transgressions. The Ethics Committee recommended that Benchers, but not Life Benchers, and Law Society staff practice advisors be given the discretion to keep confidential matters other than misappropriation of trust funds that fall within the ambit of Chapter 13, Rule 1.

It was moved (Hume/Zacks) that when Benchers give practical or ethical advice in their capacity as Benchers, they have a discretion to keep confidential information that would be covered by *Professional Conduct Handbook* Chapter 13, Rule 1(a) or 1(c).

Mr. Turriff asked if there was a distinction between past conduct and future conduct.

Mr. Hume said there was no distinction because future conduct would not be caught by the obligation to disclose.

Mr. Donaldson recalled previous discussions in which it was suggested that advice given by a Bencher to a member is privileged and therefore would have to be kept confidential.

Mr. Hume said that if a privileged relationship develops, the obligation to keep information confidential would defeat any discretion to disclose.

Mr. Zacks said the Benchers should have a policy of making it clear at the beginning of a conversation with a lawyer that no solicitor/client relationship will be created. He did not think Benchers should accept the role of solicitor in these matters because it conflicts with their duty as Benchers to protect the public interest.

Ms. Hickman did not disagree with Mr. Zacks but said lawyers in Westminster County tended to perceive the relationship as one covered by solicitor/client confidentiality. She did not think lawyers would contact Benchers for advice if they thought the Bencher had the discretion to disclose the information to the Law Society, and that would not be in the public interest.

Mr. Kelly said that from a public interest perspective, the behaviour of Benchers as the standard setters for the practice of law is critically important and anything that detracts from that, whether real or perceived, must be considered carefully. Lowering the floor because of a fine point of law on privilege should be examined carefully.

Mr. LeRose noted that, as the rule stands, Benchers would be required to report a breach of undertaking or any other conduct that raises a substantial question as to the lawyer's honesty or trustworthiness. The proposed discretion to keep such matters confidential would permit Benchers to do what lawyers apparently expect them to do.

Mr. Turriff thought that contemplated future conduct could raise a question about a lawyer's honesty or trustworthiness, and it is important to consider the chilling effect Ms. Hickman alluded to.

Ms. Preston asked if members were generally aware that they could call a Law Society practice advisor.

Mr. McDiarmid said lawyers might have some reluctance to contact the Law Society with ethical problems.

Mr. LeRose reiterated his view that the proposed policy would permit Benchers to keep in confidence information that they might otherwise have to disclose, and he questioned how that could have a chilling effect.

Mr. Ridgway said his practice would be to advise lawyers at the outset of the conversation that he would keep confidential anything except a misappropriation of trust funds. He said it was important to ensure that lawyers continue to seek advice from Benchers.

Mr. Punnett suggested that a blanket assurance that matters would not be reported was difficult because one may not realize that something should be reported until the conversation has progressed.

Mr. Vertlieb agreed with Mr. LeRose that the policy enhanced the ability of Benchers to keep certain matters confidential and was an improvement over the existing situation.

Mr. Zacks said he understood the difficulty in having all Benchers giving a standard speech at the beginning of a conversation with a lawyer. If there is a substantial question as to a lawyer's honesty or trustworthiness, Benchers should report it because that is what the Law Society is about. He said he always warned lawyers that what they tell him might or might not be disclosed to the Law Society and they always continue.

Mr. Turriff said in response to Mr. LeRose that whether the proposed policy is better or not depends on what lawyers think the current rule is. He thought most lawyers think information disclosed to a Bencher when seeking advice would be confidential.

Mr. Vilvang said Mr. LeRose's characterization of the issue ignored the reality that most Benchers would not disclose and would tell the lawyer that information would not be disclosed. He said it was important that lawyers feel they have someone they can talk to.

Mr. LeRose asked how the proposed policy would stop Benchers from their current practice. All the policy would do is make that practice specifically permissible.

The motion was carried.

It was moved (Hume/Ridgway) that the discretion to keep confidential information that would be covered by *Professional Conduct Handbook* Chapter 13, Rule 1(a) or 1(c) not extend to Life Benchers.

Mr. Donaldson said that in small communities the sitting Bencher might not be available or experienced in a particular area of law, so lawyers turn to Life Benchers for advice. He thought the discretion should be extended to include Life Benchers.

Mr. LeRose agreed with Mr. Donaldson except in the result because the reason to change the policy for Benchers was to avoid placing them in the dilemma created by their conflicting duties, and Life Benchers were not faced with the dilemma.

Mr. Turriff agreed with Mr. Donaldson that the policy should extend to Life Benchers.

Mr. Stewart did not think there was a valid distinction based on Life Benchers being less in touch. He thought Life Benchers should be included in the policy.

Mr. Kelly agreed that having achieved the status of Life Bencher, they should have the same discretion as sitting Benchers, and enhancing the pool of advisors available to lawyers would be in the public interest.

Mr. LaLiberté agreed that Life Benchers offered a significant pool of wisdom and if a Life Bencher were not current on a particular topic he or she would simply not provide advice.

Mr. Zacks agreed that Life Benchers should be able to give the same kind of advice as Benchers but should be warned of the possibility that a solicitor/client relationship might result.

It was moved (Zacks/Kelly) to amend the motion to delete the word “not” so that the exemption would apply to Life Benchers.

Mr. Ridgway said wisdom is not limited to Benchers and Life Benchers but a line must be drawn somewhere. He preferred to restrict the discretion to sitting Benchers.

Mr. Hume said the Ethics Committee did not think the discretion should apply to a larger group. There is a concern about it might be perceived by the public as lawyers attempting to hide misconduct.

The motion to amend was carried.

The motion as amended was carried.

It was moved (Donaldson/Hume) that the Law Society practice advisors be required to keep confidential information that would be covered by Professional Conduct Handbook Chapter 13, Rule 1(a) or 1(c).

The motion was carried.

8. DISCLOSURE AND PRIVACY – UNAUTHORIZED PRACTICE ISSUES

Ms. Preston briefly reviewed the Disclosure and Privacy Task Force’s recommendations with respect to information about unauthorized practice matters.

It was moved (Preston/Ridgway) to continue to maintain as confidential complaints about unauthorized practice and the identity of the complainant and not disclose them without the complainant’s consent.

The motion was carried.

It was moved (Preston/Ridgway) that the Law Society will continue to disclose undertakings not to engage in unauthorized practice but will disclose other information or documents in unauthorized practice files only if required by the *Freedom of Information and Protection of Privacy Act* or the Rules of Court or if the documents or information are public.

The motion was carried.

It was moved (Preston/Ridgway) to publish notice of unauthorized practice orders and undertakings in different publications and in a way that enables orders obtained by the Law Society to be searchable by general search engines on an unlimited basis, and undertakings to be searchable by general search engines for a period of two years and thereafter by the Law Society’s search engine via the Law Society website.

Ms. Hickman suggested that undertakings should remain generally searchable for as long as they are in effect.

Ms. Wiseman said the task force recommendation reflected a balance between competing interests. She said most people who give undertakings do not repeat their error and are not heard about

again. Those people generally feel that the undertaking should not shadow them forever. If the person who gave the undertaking continues to engage in unauthorized practice, the Law Society generally hears about it within two years and on a second occurrence will obtain a court order rather than accepting an undertaking.

Ms. Hickman said the examples of unauthorized practice she was aware of were people preparing divorce documents. She said it was important to maintain access to undertakings from such people so long as they are valid because they may continue to engage in the practice.

Mr. Zacks asked how often the Law Society's database is searched for this kind of information and whether people look for the information on the website or by telephone.

Ms. Wiseman said people used both methods to find out if someone is subject to an unauthorized practice undertaking or order. Often someone will try to look up the person in the "lawyer look-up" section and then call the Law Society when the name does not turn up.

Mr. Whitcombe said the Law Society did not record the actual searches made using the Law Society website search engine and could not track searches using general search engines, so it is not possible to determine how many searches are made.

The motion was carried.

It was moved (Preston/Ridgway) to continue the practice of publishing a brief summary of the non-lawyer's conduct even if the non-lawyer disputes having engaged in the conduct, but will take care to include in the summary only information the Law Society can prove, and if appropriate will note the non-lawyer's dispute.

Mr. Ridgway asked what was meant by "if appropriate".

Ms. Wiseman said this contemplated situations where a non-lawyer disputes what actually happened but gives an undertaking not to engage in unauthorized practice, or where an offending advertisement is asserted to be the fault of a newspaper publisher.

Mr. Getz asked if the undertakings are based on an agreed statement of facts, as would be standard practice in the securities regulation field.

Ms. Wiseman said that this would not typically be the case. She said one of the key differences is that the Law Society has no authority over the individuals so there is little reason for them to agree to a statement of facts.

The motion was carried.

It was moved (Preston/Jackson) to amend Rule 2-10(3) of the Law Society Rules by deleting the words "*to the profession*" and substituting the word "*generally*".

The motion was carried by a majority of more than two thirds of the Benchers present.

9. DISCLOSURE AND PRIVACY – POLICY DEVELOPMENT INFORMATION

Ms. Preston briefly reviewed the Disclosure and Privacy Task Force's recommendations with respect to information obtained or created in the policy development process.

It was moved (Preston/Jackson) to disclose information obtained or generated by Law Society staff, committees or task forces only as required by the *Freedom of Information and Protection of Privacy Act* and only in response to a request.

The motion was carried.

It was moved (Preston/LeRose) to disclose minutes of committee or task force meetings only as required by *Freedom of Information and Protection of Privacy Act* and only in response to a request.

The motion was carried.

It was moved (Preston/Zacks) to publish information considered by the Benchers at a Benchers meeting in open session after the minutes of the meeting have been approved.

The motion was carried.

It was moved (Preston/Punnett) to disclose information considered by Benchers at a Benchers meeting *in camera* only as required by the *Freedom of Information and Protection of Privacy Act* and only in response to a request.

The motion was carried.

10. FEDERATION OF LAW SOCIETIES COUNCIL MEETING AND APPOINTMENT OF LAW SOCIETY DELEGATE TO COUNCIL

Mr. McDiarmid reported on the Federation of Law Societies Council meeting on January 14, 2006. Topics discussed included:

- ◆ Proposal by Canada Mortgage and Housing Corporation to require title insurance in all CMHC backed mortgages.
- ◆ Model rule on client identification. Mr. McDiarmid said he voted in favour of adopting the model rule because it articulates what competent lawyers do anyway.
- ◆ Appointment of judges to the Supreme Court of Canada. A brief was submitted and developments will be monitored.
- ◆ National model code of conduct. Mr. McDiarmid said he would sign a letter suggesting that the national model code start by getting agreement on conflicts rule.
- ◆ National mobility. Five law societies have not signed on to mobility accord. The three territorial law societies need the funds they get for temporary appearance permits. They have now agreed that they will sign on to permanent mobility this year and temporary mobility in five years, but if they don't sign on to the temporary mobility protocol, they will withdraw from permanent mobility.
- ◆ Immigration consultants.
- ◆ *Proceeds of Crime (Money Laundering) Act*

Mr. McDiarmid said that when he attended a council meeting for the first time he noted the difficulty created by having a council member with only a one-year term. He said the LSBC delegate is not appointed to any committees and in consequence has much reduced influence.

Mr. Turriff said the Federation is an increasingly important organization and how to choose the Law Society's delegate to the council needed careful thought.

It was moved (Turriff/Fung) to establish a task force, which would include former Law Society appointees to Council, to consider the options for appointing the Law Society delegate and make recommendations to the Benchers at the Benchers meeting in March, 2006.

The motion was carried.

11. TITLE INSURANCE ISSUES TASK FORCE MANDATE

Mr. Getz reported on the first meeting of the Title Insurance Task Force. He presented a proposed mandate for the task force and a recommendation for a change to the task force name. He said the mandate was an attempt to make some sense out of the resolutions passed at the AGM and the heated rhetoric with which they were attacked. He said the task force had initiated a process for soliciting submissions and would follow up with selected oral submissions and site visits.

Mr. Ridgway noted that the Unauthorized Practice Committee had received representations from the Society of Notaries Public, and he urged the task force to include the notaries in the process.

It was moved (Getz/Jackson) to rename the task force the Title Insurance Issues Task Force and to approve the following mandate:

The mandate of the task force is, with reference to the 2005 AGM member resolutions respecting the activities of title insurance companies, and the Law Society's statutory objects, duties and powers, to:

- (a) *obtain and examine factual information about the practices of title insurance companies, their affiliates and associated entities in British Columbia, particularly as they relate to the preparation, execution and registration of mortgages and discharges of mortgage; and*
- (b) *report on their findings and make policy recommendations to the Benchers with respect to the concerns articulated in the 2005 AGM member resolutions no later than July 2006.*

The motion was carried.

12. REPORT FROM THE JUSTICE REVIEW TASK FORCE

Mr. Mr. McDiarmid welcomed Bill Everett, QC and Jerry McHale, QC who reported on the work of the Justice Review Task Force.

Mr. Everett asked the Benchers to consider how the Law Society would like to receive information from the task force and how the Law Society might be able to assist the task force to obtain feedback from the legal profession.

Mr. McHale reported that the task force had been very active, meeting as often as every two to three weeks. Part of the task force's work is informal and arises from informal discussions among the task force members. The balance of the task force's work is more formal and is accomplished through working groups assigned to particular topics. The working groups are:

- ◆ Family Justice Reform. The working group released its report *A New Justice System for Families and Children* in May 2005. It contains detailed recommendations for fundamental change to the family justice system.
- ◆ Civil Justice Reform. The working group is focused on the interests of the BC Supreme Court users and participants.
- ◆ Street Crime. The Street Crime working group represents a cross-section of all levels of government, the judiciary, lawyers, police, corrections and social service providers. The

group released its report in September 2005 with recommendations for a new criminal justice response to street crime.

Ms. Hickman suggested that it would be helpful to have Mr. McHale return to the Benchers with more information about the unified family court and other family law reforms. She said the Benchers should be aware that there is some opposition to some of the proposed reforms.

Mr. McHale said the working group's report was intended to elicit both positive and negative responses from the profession.

Mr. Mr. McDiarmid suggested that the matter be added to the Access to Justice Committee's agenda.

Ms. Preston said she was aware of urgent needs for services to families in their early years but did not know how the Justice Review Task Force might work with or assist groups providing those services.

Mr. McDiarmid commented that the recommendations of the Street Crime Working group seemed to be at odds with statements made by the incoming federal government and he asked what involvement the task force had with the federal government.

Mr. McHale said there were existing and ongoing mechanisms for discussion with the federal government.

Mr. Everett asked if the Benchers were satisfied with the method of reporting and what the Benchers might do to get the task force's work out the community for feedback.

Mr. LaLiberté said the Access to Justice Committee would be having a mini-retreat on March 4, 2006 to discuss some of the issues, and he would include on the agenda a discussion of how to report to the Benchers.

Mr. McDiarmid thought the Benchers would like to hear from the task force directly, and asked Mr. McHale to return in April.

Mr. McGee said he would discuss with Mr. Whitcombe how the Law Society might assist to increase the amount of feedback the task force receives.

13. UPDATE ON CLAIMS AND INVESTIGATIONS IN THE WIRICK MATTER

This matter was discussed *in camera*.

14. DISCUSSION OF BENCHERS' CONCERNS

This matter was discussed *in camera*.