

# THE LAW SOCIETY OF BRITISH COLUMBIA

## MINUTES

- MEETING:** Benchers
- DATE:** Saturday May 31, 2008
- PRESENT:**
- |  |                     |
|--|---------------------|
| John Hunter, QC, President                         | Barbara Levesque    |
| Gordon Turriff, QC, 1 <sup>st</sup> Vice-president | Peter Lloyd         |
| Glen Ridgway, QC, 2 <sup>nd</sup> Vice-president   | Jan Lindsay         |
| Haydn Acheson                                      | David Mossop, QC    |
| Rita Andreone                                      | Thelma O'Grady      |
| Kathryn Berge, QC                                  | Robert Punnett      |
| Joost Blom, QC                                     | David Renwick, QC   |
| Robert Brun, QC                                    |                     |
| Ian Donaldson, QC Life Bencher                     | Meg Shaw, QC        |
| Leon Getz, QC                                      |                     |
| Carol Hickman                                      | Ronald Tindale      |
| Gavin Hume, QC                                     | Dr. Maelor Vallance |
| William Jackson                                    | Art Vertlieb, QC    |
| Patrick Kelly                                      | James Vilvang, QC   |
| Stacy Kuiack                                       | Ken Walker          |
| Terry La Liberté, QC                               |                     |
| Bruce LeRose, QC                                   |                     |
- ABSENT:**
- |                     |                 |
|---------------------|-----------------|
| Richard Stewart, QC | David Zacks, QC |
|---------------------|-----------------|
- STAFF PRESENT:**
- |                 |                 |
|-----------------|-----------------|
| Tim McGee, CEO  | Michael Lucas   |
| Stuart Cameron  | Jeanette McPhee |
| Su Forbes, QC   | David Newell    |
| Jeffrey Hoskins | Alan Treleaven  |
| Howard Kushner  | Adam Whitcombe  |
- GUESTS:**
- Perry Mack, QC, President, Law Society of Alberta  
Peter Michalyshyn, QC, Vice-president, Law Society of Alberta  
Don Thompson, QC, Executive Director, Law Society of Alberta  
Katherine Corrick, Director, Policy and Tribunals, Law Society of Upper Canada

### 1. MINUTES

The minutes of the meeting held on April 4, 2008 were approved as circulated.

### 2. PRESIDENT'S REPORT

Mr. Hunter reported on his attendance at the Law Society of Upper Canada convocation. He noted that the Retention of Women in the Profession Task Force report was presented and received overwhelming approval.

**3. CEO'S REPORT**

Mr. McGee reported that the Finance Committee had considered managements recommendations for the 2009 fees. Representatives of the BC Courthouse Library Society and the Lawyers Assistance Program attended the meeting to answer questions about their programs and budget requests. The Committee made good progress but did not reach any decisions.

Mr. McGee reported that the Competition Bureau had contacted the Law Society regarding their concern that lawyers and notaries in a number of communities had allegedly agreed to refuse to sign officer certifications on mortgages that are prepared by or on behalf of title insurance companies. The Bureau is investigating and suggested that the Law Society inform lawyers generally about the provisions of the Competition Act. The matter was placed on the Executive Committee agenda.

Mr. McGee thanked the Benchers who participated in the May PLTC session, which was one of the largest in recent years.

**4. REPORT ON OUTSTANDING HEARING DECISIONS**

The Benchers received a report on outstanding hearing decisions.

**5. LAW SOCIETY OF UPPER CANADA LICENSING AND ACCREDITATION CONSULTATION REPORT.**

Mr. Hunter said the Law Society of Upper Canada was considering eliminating the skills instruction component of its bar admission course. The primary reason is that they are having difficulty administering the course because of the large number of applicants, however, they assert that law schools are providing sufficient skills training. The matter is of concern to other Law Societies because of the mobility agreement. LSUC is also considering options for changing its articling program, including the possibility of eliminating articles altogether, because there is a significant number of students who are not able to obtain an articling position. The Executive Committee determined that the Law Society should respond to the report, and a proposed letter was circulated with the agenda.

Ms. O'Grady supported sending the proposed letter. She said an informal survey of associates at her firm indicated that there has been no increase in skills training taking place at law schools.

Mr. Vilvang asked if it was intended to put this matter on the agenda of the Federation of Law Societies. Mr. Treleaven said that had not been decided.

Ms. Berge asked if the insufficiency of articling positions had been analyzed. Mr. Hunter said it appeared to be a simple case of more demand than supply. It may be partly due to an increasing number of foreign-trained lawyers seeking admission.

Mr. Turriff said the PLTC is a good program that can be defended, but he was not as certain about the articling program generally. There is a wide spectrum of experiences in articles. He suggested that the proposed letter should take a softer position on articles.

Mr. Blom agreed with Ms. O'Grady's comments. He said the compulsory part of the UBC law program is not skills-based. There are skills-based courses available but they are elective.

Mr. Walker supported sending the letter. He said the Federation of Law Societies should seek a solution that works for all Law Societies.

It was agreed to authorize the President to send the proposed letter.

**6. RESPONSE TO THE CIVIL JUSTICE REVIEW TASK FORCE PROPOSALS**

Mr. Vilvang and Mr. Brun did not participate in the discussion or vote on this matter.

Mr. Blom said the task force decided against a point by point critique of the CJRTF proposals. The key concern articulated is that there is too little assurance that the “price” of the proposed reforms will be justified in terms of increased access to the courts. Much reliance is placed on the Woolf Report and the resultant reforms in the United Kingdom without sufficient analysis of whether the reforms have had the desired effect. The overall suggestion in the proposed response, circulated with the agenda, is to pause and make sure the CJRTF is more positive that the reforms will have the intended effect.

It was moved (Blom/Punnett) to send the proposed response.

Ms. Andreone asked if there would be a benefit to having a discussion with the CJRTF before the response is sent.

Ms. Lindsay said the task force did consider a meeting but concluded that the letter would be the more appropriate way to put the Law Society’s view forward.

Mr. Mossop asked if anyone from the CJRTF had gone to the UK to look at how the reforms there are working. Mr. Blom said that as far as he knew no one had done that.

Mr. Turriff said the CJRTF appeared to rely heavily on the work of one UK academic, but there are others who have been critical of the reforms who are not cited in the report. Some people believe the CJRTF should consider slowing down and considering the impact of the proposed reforms.

Mr. LeRose favoured sending the response as soon as possible because the Law Society had already been dilatory in responding and was subject to criticism.

Ms. Hickman urged consideration of Ms. Andreone’s point. She said the Law Society had put a great deal of work into improving relations with the judiciary and government that should not be unnecessarily jeopardized. Ms. Hickman suggested meeting or speaking with Deputy Attorney General Seckel and Chief Justice Brenner before sending the response.

Mr. Hunter agreed that it would be appropriate to contact Mr. Seckel and Chief Justice Brenner before sending the response.

The motion was carried.