

THE LAW SOCIETY OF BRITISH COLUMBIA

MINUTES

- MEETING:** Benchers
- DATE:** Friday, April 3, 2009
- PRESENT:**
- | | |
|--|---------------------|
| Gordon Turriff, QC, President | Jan Lindsay |
| Glen Ridgway, QC, 1 st Vice-President | David Mossop, QC |
| Gavin Hume, QC, 2 nd Vice-President | Thelma O'Grady |
| Haydn Acheson | Peter Lloyd |
| Kathryn Berge, QC | Robert Punnett, QC |
| Joost Blom, QC | David Renwick, QC |
| Robert Brun, QC | Meg Shaw, QC |
| Leon Getz, QC | Richard Stewart, QC |
| Carol Hickman | Ronald Tindale |
| William Jackson | Art Vertlieb, QC |
| Patrick Kelly | Herman Van Ommen |
| Stacy Kuiack | James Vilvang, QC |
| Terence La Liberté, QC | Kenneth Walker |
| Bruce LeRose, QC | Dr. Maelor Vallance |
| Barbara Levesque | David Zacks, QC |
- ABSENT:** Rita Andreone
- STAFF PRESENT:**
- | | |
|---------------------|------------------|
| Tim McGee | Bill McIntosh |
| Michael Bernard | Jeanette McPhee |
| Barbara Buchanan | Doug Munro |
| Stuart Cameron | Susanna Tam |
| Murray Patterson | Alan Treleaven |
| Jeffrey Hoskins, QC | Adam Whitcombe |
| Howard Kushner | Carmel Wiseman |
| Michael Lucas | Lesley Pritchard |
- GUESTS:**
- Johanne Blenkin, Executive Director, BCCLS
Dean Mary Anne Bobinski, Faculty of Law, University of British Columbia
Ron Friesen, Acting-Executive Director, CLEBC
Dean Donna Greschner, Faculty of Law, University of Victoria
Dean Alistair Lucas, QC, Faculty of Law, University of Calgary
Jamie Maclaren, Executive Director, Pro Bono Law of BC
Carla Margach, Executive Director, Trial Lawyers Associations of BC
Rob McDiarmid, QC, Life Bencher
Wayne Robertson, QC, Executive Director, Law Foundation of BC
Dr. Kathleen Scherf, President, Thompson Rivers University
Allan Seckel, QC, Deputy Attorney General of British Columbia
Joanne Silver, Director of Stakeholder Relations, CBABC
John Sparks, General Counsel, Thompson Rivers University

CONSENT AGENDA

1. Minutes

The minutes of the meeting held on February 27, 2009 were approved as circulated.

Consent Resolutions

The following resolutions were **passed unanimously and by consent.**

2. External Appointments

Resolved: to re-appoint Carol Kerfoot to the Vancouver Airport Authority Board of Directors for a second three-year term from May 15, 2009 through May 14, 2012.

3. 2009 Law Society Scholarship

Resolved: to award the 2009 Law Society Scholarship for \$12,000 to Jennifer Katherine Bond.

4. Discipline Rule Amendments

Resolved: to adopt a series of minor amendments to the Rules governing discipline matters in order to

- improve consistency in the use of terms in the Rules
- bring the terminology of the Rules more into line with common practice
- eliminate an unintended requirement for notice to the complainant upon application for adjournment of a hearing
- eliminate an unintended requirement that an applicant or respondent attend a pre-review conference

as follows:

1. ***In Rule 1, by rescinding the definition of “statement of agreed facts” and substituting the following:***
“**agreed statement of facts**” means a written statement of facts signed by discipline counsel and by or on behalf of the respondent;
2. ***By rescinding Rule 4-19(11)(a) and substituting the following:***
(a) accept an agreed statement of facts, and
3. ***By rescinding Rule 4-24.1(3)(b) and substituting the following:***
(b) an agreed statement of facts.

4. In Rule 4-29

(a) *by rescinding subrule (2)(b), and*

(b) *adding the following subrule:*

(6) When an adjournment is granted under this Rule, the Executive Director must notify the complainant.

5. By rescinding Rule 5-5(6)(a) and substituting the following:

(a) an agreed statement of facts;

6. By rescinding Rule 5-18(3)(a) and substituting the following:

(a) the applicant or the respondent, as the case may be, or his or her counsel;

REGULAR AGENDA – for Discussion and Decision**6. President's Report**

Mr. Turriff updated the Benchers on the progress of the 125th Anniversary President's Tour, reporting that he has spoken in 18 different venues throughout BC since February 24th, to a wide variety of audiences. Mr. Turriff thanked Mr. Jackson and Mr. Tindale for attending his presentations in their respective communities, and he thanked the Communications Department for their support with advance work and logistics for his various appearances. Mr. Turriff said he was encouraged by the positive responses to the content of his talks, which focus on explaining the Rule of Law and its reliance on an independent bar and judiciary. He also said that he directs his remarks to the non-lawyers in the audience.

Mr. Turriff reported that in early March he delivered welcoming remarks to a symposium of the Federation of Law Reform Agencies of Canada in Victoria, at the invitation of BC Law Institute Executive Director Jim Emmerton.

Mr. Turriff briefed the Benchers on his March 27th meeting with Chief Judge Stansfield and Associate Chief Judge Threlfall of the BC Provincial Court. He said they had a good discussion of the Law Society's discipline process.

Mr. Turriff also reported briefly on various public appearances he made as Law Society President through the month of March 2009.

7. CEO's Report

Mr. McGee updated the Benchers on the status of the 2009 – 2011 LSBC Strategic Plan. He confirmed that the changes approved at the February Benchers meeting have been incorporated into the final version of the plan, which has been posted on BencherNet and on the CEO's Notice Board

section of the Law Society's intranet. Mr. McGee noted that the Strategic Plan will be published on the Law Society website in the coming months.

Mr. McGee outlined the process and time line for development of the Law Society's proposed operating budget and practice fee for 2010, to be presented to the Benchers following review and approval by the Finance Committee in June. He noted that this work is being carried out under the direction of CFO Jeanette McPhee.

Mr. McGee briefed the Benchers on a staff working group's progress in developing a new, simplified technology platform for conducting the Law Society's Annual General Meeting. He advised that the goal is to adopt a more reliable and user-friendly system for member communications with the main meeting. A report with recommendations will be presented to the Benchers at their May meeting.

Mr. McGee advised that LSBC Communications will soon be producing and distributing a new electronic publication. To be named *In Brief*, the news digest will provide succinct and timely bulletins on issues arising and decisions made at the monthly Benchers meetings.

8. Report on Outstanding Hearing and Review Reports

The Benchers received a report on outstanding hearing decisions.

STRATEGIC PLANNING AND PRIORITIES MATTERS – for Discussion and/or Decision

9. Delivery of Legal Services Task Force: Interim Report

Task Force Chair Art Vertlieb, QC reported to the Benchers on the task force's preliminary work, and presented a plan for conducting a survey to clarify the nature and scope of supply and demand for legal services in BC. This data will guide the Benchers as they consider options for improving access to legal services in the province.

Ms. Hickman moved (seconded by Mr. Stewart) that the Benchers approve the Delivery of Legal Services Task Force: Interim Report and direct the task force to return with a report on the survey results, and to seek clarification of their mandate at that time.

The motion was carried.

10. Retention of Women in Law Task Force Update

Task Force Chair Kathryn Berge, QC briefed the Benchers on the status of the task force's pending report, which is due in July 2009. She advised that the report will:

- a) review and analyze the issues underlying the disproportionate attrition of women from the practice of law;
- b) present the business case for retention of women in law; and

- c) outline recommendations for improving the retention of women in law.

It was agreed that the task force will circulate its draft business case to the Benchers for comment.

11. Report on Education Initiative

The Benchers received a report on a public education program about to be launched by the Law Society in partnership with the Law Courts Education Society. The program has produced a curriculum unit for senior high school students, designed to introduce the concepts underlying the contribution of an independent legal profession and judiciary to the Rule of Law. The Benchers reviewed a DVD and accompanying draft Teachers' Guide, and were advised that the course is expected to be released to the school system by the middle of next month.

Patricia Byrne, Programs Manager of LCES, thanked the Law Foundation and the Law Society for their support throughout the development of the program.

REGULAR AGENDA – Other Matters for Discussion and/or Decision

12. Thompson Rivers University: Proposed Law School

A Thompson Rivers University delegation made a presentation to the Benchers regarding the proposal for a new law school at Thompson Rivers University that was announced by the provincial government in its recent Throne Speech.

13. BCLI Funding Request

Mr. Ridgway took the chair while Mr. Turriff made a presentation to the Benchers based on the Executive Committee's memorandum to the Benchers (Tab 13, page 1300 of the 2009-04-03 Consolidated Bencher Agenda Package). Mr. Turriff moved (seconded by Ms. Lindsay) that the Benchers approve the first of four options put before the Benchers in the Executive Committee's memorandum:

1. Approve the BCLI request for a grant of 1% of the practice fee.

Following a discussion by the Benchers, Mr. Zacks moved (seconded by Mr. Vilvang) that Mr. Turriff's motion be tabled until after the Finance Committee presents its report and recommendations regarding the 2010 practice fee.

The motion was carried.

14. FLS Council Meeting Report

Ian Donaldson, QC, the Law Society's representative on the FLS Council, reported to the Benchers on the Federation Council meeting held in Quebec City last month. Mr. Donaldson noted that a full day of the meeting was devoted to discussion of professional discipline issues, and that separation of Benchers' rule-making and adjudicative functions was a recurring theme.

A portion of Mr. Donaldson's report was deferred to the *in camera* portion of the meeting.

FOR INFORMATION ONLY

15. 2009 Benchers' Retreat Planning Update

Mr. Ridgway updated the Benchers on planning for the 2009 Benchers' Retreat, to be held in Whistler, BC from June 11th to 14th.

IN CAMERA SESSION

16. Discussion of Bencher Concerns

This matter was discussed *in camera*.

WKM

2009-04-17