



# Minutes

## Benchers

Date: Saturday, May 10, 2014

Present:

Jan Lindsay, QC, President	Peter Lloyd, FCA
Ken Walker, QC, 1 <sup>st</sup> Vice-President	Jamie Maclaren
David Crossin, QC, 2 <sup>nd</sup> Vice-President	Ben Meisner
Haydn Acheson	Nancy Merrill
Joseph Arvay, QC	Maria Morellato, QC
Satwinder Bains	David Mossop, QC
Pinder Cheema, QC	Lee Ongman
David Corey	Greg Petrisor
Jeevyn Dhaliwal	Claude Richmond
Lynal Doerksen	Phil Riddell
Thomas Fellhauer	Elizabeth Rowbotham
Craig Ferris	Herman Van Ommen, QC
Martin Finch, QC	Cameron Ward
Miriam Kresivo, QC	Tony Wilson
Dean Lawton	

Excused: Sharon Matthews, QC

Staff Present:

Tim McGee, QC	Bill McIntosh
Deborah Armour	Jeanette McPhee
Su Forbes, QC	Doug Munro
Jeffrey Hoskins, QC	Alan Treleaven
Michael Lucas	Adam Whitcombe

Guests: Marie-Claude Bélanger-Richard, QC	President, Federation of Law Societies
Chief Judge Thomas Crabtree	Provincial Court of British Columbia
Thomas G. Conway	Treasurer, Law Society of Upper Canada
Jonathan G. Herman	Chief Executive Officer, Federation of Law Societies
Gavin Hume, QC	Law Society Member of the Council of the Federation of Law Societies of Canada
Margo Nightingale	Vice-President, Law Society of the Northwest Territories
Tilly Pillay, QC	First Vice-President, Nova Scotia Barristers' Society
Tom Schonhoffer, QC	Executive Director, Law Society of Saskatchewan
Richard J. Scott, QC	Council Member representing the Law Society of New Brunswick

## CONSENT AGENDA

### 1. Minutes

#### a. Minutes

The minutes of the meeting held on April 11, 2014 were approved as circulated. Ms. Lindsay noted that the vote tally on the TWU motion was 7 for and 20 against, not 6 for and 20 against, as reported at the meeting.

The minute of the May 1, 2014 email assent to motion was approved as circulated.

#### b. Resolutions

The following resolutions were passed unanimously and by consent.

- Review of the Law Society's Tribunals Program

*BE IT RESOLVED* to form a task force of Benchers and others to

- review the progress of the changes to the tribunal system implemented since 2011;
  - recommend changes for the improvement of the system and correction of any problems;
  - identify any further reforms that the benchers should consider at this time;
  - report to the Benchers as soon as possible, and in any event before the end of 2014.
- External Appointments: Vancouver Foundation Board of Directors; Legal Services Society Board of Directors

*BE IT RESOLVED* to renew the appointment of Suzette Narbonne as a member of the Legal Services Society Board of Directors for a second term of three years, effective May 1, 2014.

*BE IT RESOLVED* to renew the nomination of Anna Fung, QC as a member of the Vancouver Foundation Board of Directors for a second term of three years, effective May 1, 2014.

- Ratification of the Aboriginal Scholarship Recipient

*BE IT RESOLVED* to ratify the recommendation of the Credentials Committee to award the 2014 Law Society Aboriginal Scholarship to Kinwa Bluesky, and to declare Susan MacDonald as runner-up.

## **DISCUSSION/ DECISION**

### **2. Review of the Law Society's 2013 Audited Financial Statements and Financial Reports and the 2014 First Quarter Financial Report**

Mr. Walker briefed the Benchers as Chair of the Finance and Audit Committee. He provided highlights of the Law Society's 2013 Audited Financial Statements and Reports and the 2014 Quarterly Financial Report to March 31, 2014. Mr. Walker noted that the costs associated with the Trinity Western University application for approval of a faculty of law are addressed under the 2014 Financial Highlights.

Chief Financial Officer and Director of Trust Regulation Jeanette McPhee reviewed those financial statements and reports in more detail. A copy of her PowerPoint presentation is attached as Appendix 1 to these minutes.

Mr. Walker expressed the Finance and Audit Committee's appreciation for the quality of the financial information and reporting provided by Ms. McPhee, with the support of Controller Aaron Griffith, CEO Tim McGee, QC and Chief Information and Planning Officer, Adam Whitcombe.

Mr. Lloyd moved (seconded by Ms. Kresivo) that the Law Society's 2013 audited financial statements be approved. The motion was carried unanimously.

## **GUEST PRESENTATIONS**

### **3. Federation of Law Societies of Canada (FLSC) Executive Update**

FLSC President Marie-Claude Belanger-Richard briefed the Benchers on the Federation's history and background. Stressing that Federation decision-making is the product of consensus, hard work, and good leadership by the member societies, Ms. Belanger-Richard noted the leadership and commitment of Gavin Hume, QC and Tim McGee, QC, respectively the Law Society's representative to Federation Council and Chief Executive Officer.

The bilingual notes for Ms. Belanger-Richard's remarks are attached as Appendix 2.

Jonathan Herman noted that this is the eighth LSBC Benchers Retreat he has attended as CEO of the Federation. Characterizing the Federation as an extension of Canada's law societies, Mr. Herman outlined the Federation's various operations. He observed that the law societies' expectations of the Federation continue to grow, on every more complex issues, and that the burden falls on all the member societies to consider how to deal with that issue.

Mr. Herman noted the Federation's reliance on the staff of its member societies, and commented on the importance of the contributions made by Law Society staff to the ongoing work of the Federation. He emphasized the value of CEO Tim McGee's national perspective and judgment.

## REPORTS

### 4. President's Report

Ms. Lindsay briefed the Benchers on various Law Society matters to which she has attended since the last meeting, including:

#### a. TWU Update

The Law Society has called a Special General Meeting (SGM) for Tuesday, June 10, in response to a written request that meets the requirements of Rule 1-9(2). A draft Notice to the Profession (previously circulated to the Benchers by email) was discussed, with further discussion deferred to the *in camera* session. A number of comments have been received from the membership, the majority of which fall within two themes: expressing desire for:

- enhanced opportunity to attend and vote at the SGM; and
- changes to the Law Society Rules governing general meetings to permit remote participation and voting

The Executive Committee has approved three additional Special General Meeting locations: Abbotsford and New Westminster in Westminister County, and Williams Lake in Cariboo County, bringing the total number of locations for the June 10 SGM to 16.

#### b. North Shore Bar Association Meeting

Ms. Lindsay and Mr. McGee recently attended a meeting of the North Shore Bar Association. The meeting was well-attended and a number of comments and questions were raised regarding TWU's pending application for approval of a new faculty of law.

**c. Judicial Council of British Columbia and BC Provincial Court**

Ms. Lindsay updated the Benchers on her attendance at a recent meeting of the Judicial Council of British Columbia, as the Law Society's Council representative for 2014.

Ms. Lindsay then welcomed the Honourable Thomas Crabtree, Chief Judge of the BC Provincial Court, to the meeting. Chief Judge Crabtree thanked Ms. Lindsay for the opportunity to brief the Benchers on the Provincial Court's 2014 priorities, and to provide highlights from the Court's most recent semi-annual report on its complement of judges (as at April 30, 2014).<sup>1</sup>

Chief Judge Crabtree noted the valuable contributions of Law Society First Vice-President Ken Walker, QC as the Society's representative to the Judicial Council of BC for the past several years.

**d. Recent Committee and Task Force Appointments**

Lee Ongman and Elizabeth Rowbotham have been appointed to the Act and Rules Committee.

Ken Walker, QC (Chair), Haydn Acheson, Pinder Cheema, QC, David Layton, Linda Michaluk and David Mossop, QC have been appointed to the Tribunal Program Review Task Force.

**5. CEO's Report**

Mr. McGee provided highlights of his monthly written report to the Benchers (attached as Appendix 3 to these minutes) including the following matters:

- Financial Results
- In-House Advocacy Workshop for Discipline Counsel
- Discipline Sanctions Project
- 2014 Family Law Justice Summit
- Communications Award
- Trinity Western University – Special General Meeting

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<sup>1</sup> Provincial Court Judge Complement (as at April 30, 2014) may be downloaded at: <http://www.provincialcourt.bc.ca/news-reports/court-reports>

- Legal Services Regulatory Framework Task Force

## 6. 2012 – 2014 Strategic Plan Implementation Update

Ms. Lindsay and Mr. McGee updated the Benchers on the implementation status of the current Strategic Plan. Mr. McGee confirmed that work on the 2015-2017 Strategic Plan will commence in the fall.

## 7. Federation Council Update

Gavin Hume, QC briefed the Benchers as the Law Society's member of the FLSC Council. Mr. Hume noted that the Supreme Court of Canada's hearing of the money-laundering case (FLSC v. Canada) will take place on May 12, 2014. The Federation is represented by former Law Society President John Hunter, QC.

Mr. Hume reported that the next Federation Council meeting will be held in Ottawa on June 2. The agenda includes the following matters:

- moving the Federation of Law Societies of Canada under the new *Canada Not-for-profit Corporations Act*, and updating the Federation's by-laws accordingly
- recent developments in the TWU matter, and consideration of a recommendation by the Federation's Special Advisory Committee to add a non-discrimination element to the National Requirement for Approving Canadian Common Law Degree Programs
- establishing a Council committee to undertake a review of the Federation's National Requirement for Approving Canadian Common Law Degree Programs
- commencing a review of Federation governance, including presidency succession-planning
  - that review has been delayed pending completion of the not-for-profit legislation matter already noted
- the Federation's Standing Committee on the Model Code (chaired by Mr. Hume) will meet on June 3 to review consultation reports received from a number of law societies regarding proposed Code amendments relating to conflicts rules, relations between lawyers, law firms and their clients, and transfers of property related to proceeds of crime.

## **8. Report on the Outstanding Hearing & Review Reports**

Written reports on outstanding hearing decisions and conduct review reports were received and reviewed by the Benchers.

The Benchers discussed other matters *in camera*.

WKM  
2014-05-31



# The Law Society *of British Columbia*



## **Law Society of British Columbia 2013 Financial Results to Budget**

*Bencher Meeting – May 10, 2014*



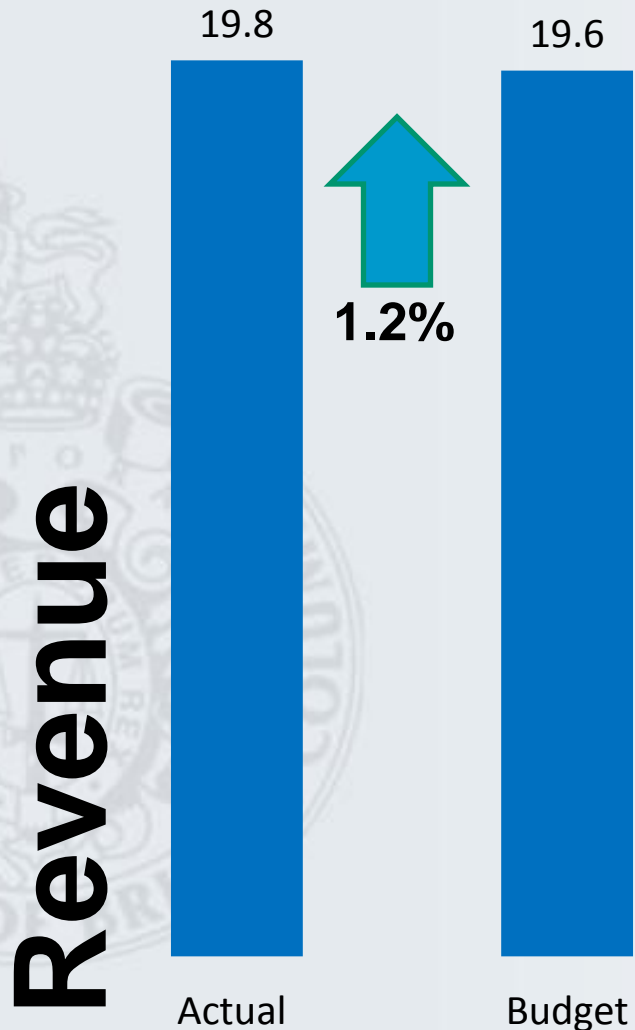
# Overview

1. 2013 General Fund
2. 2013 TAF
3. 2013 Special Compensation
4. 2013 Lawyers Insurance Fund
5. 2014 to date

# General Fund Operating Results



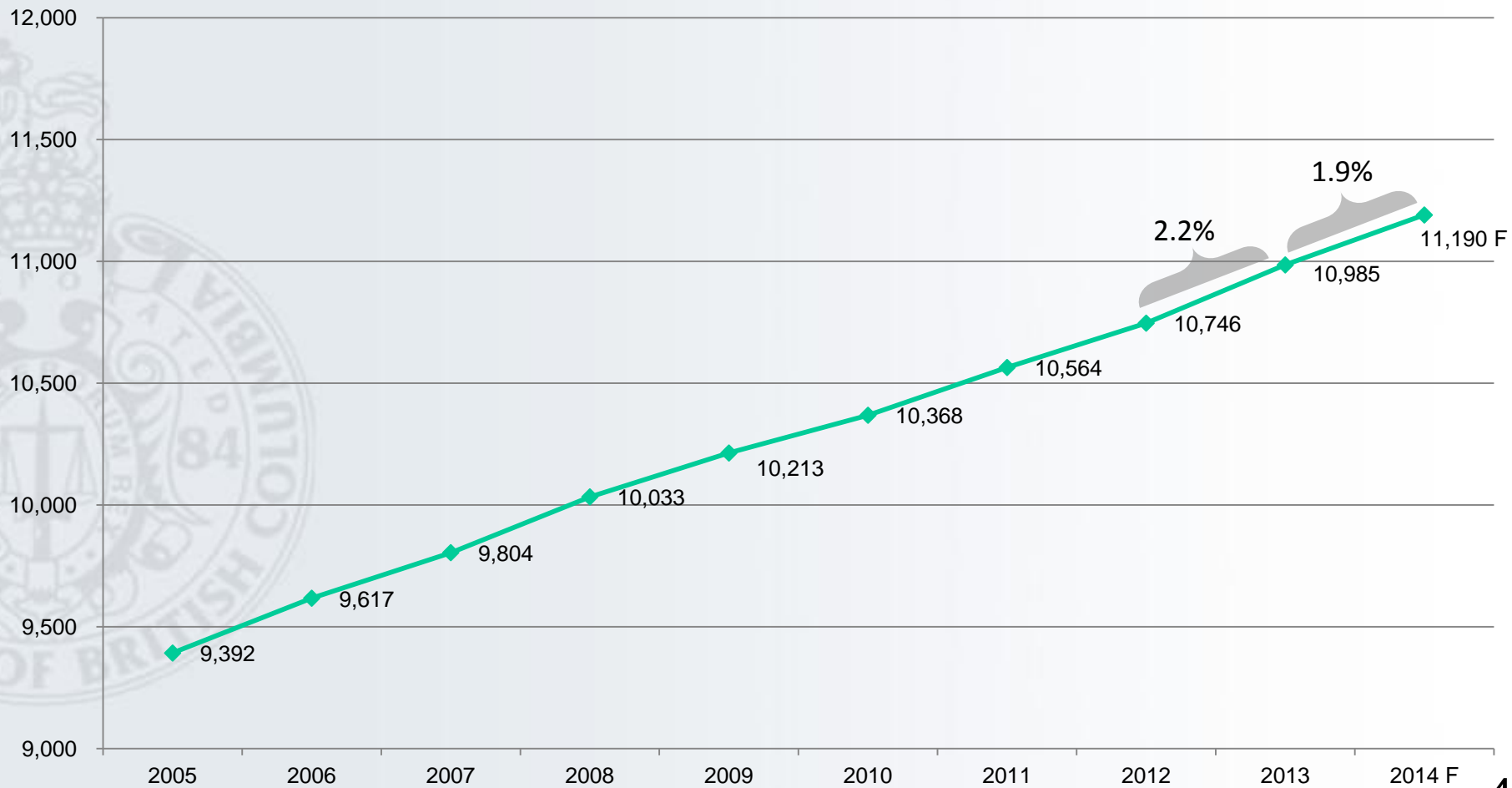
(without capital)



- Membership fees below budget and PLTC fees above budget
- 10,985 members, 15 members below budget of 11,000
- 442 PLTC students, 42 students above budget
- Electronic filing revenue below budget = (\$19,000)
- Interest income above budget = \$28,000
- Recoveries ahead of budget = \$75,000
- Cambie building lease revenue below budget = \$40,000

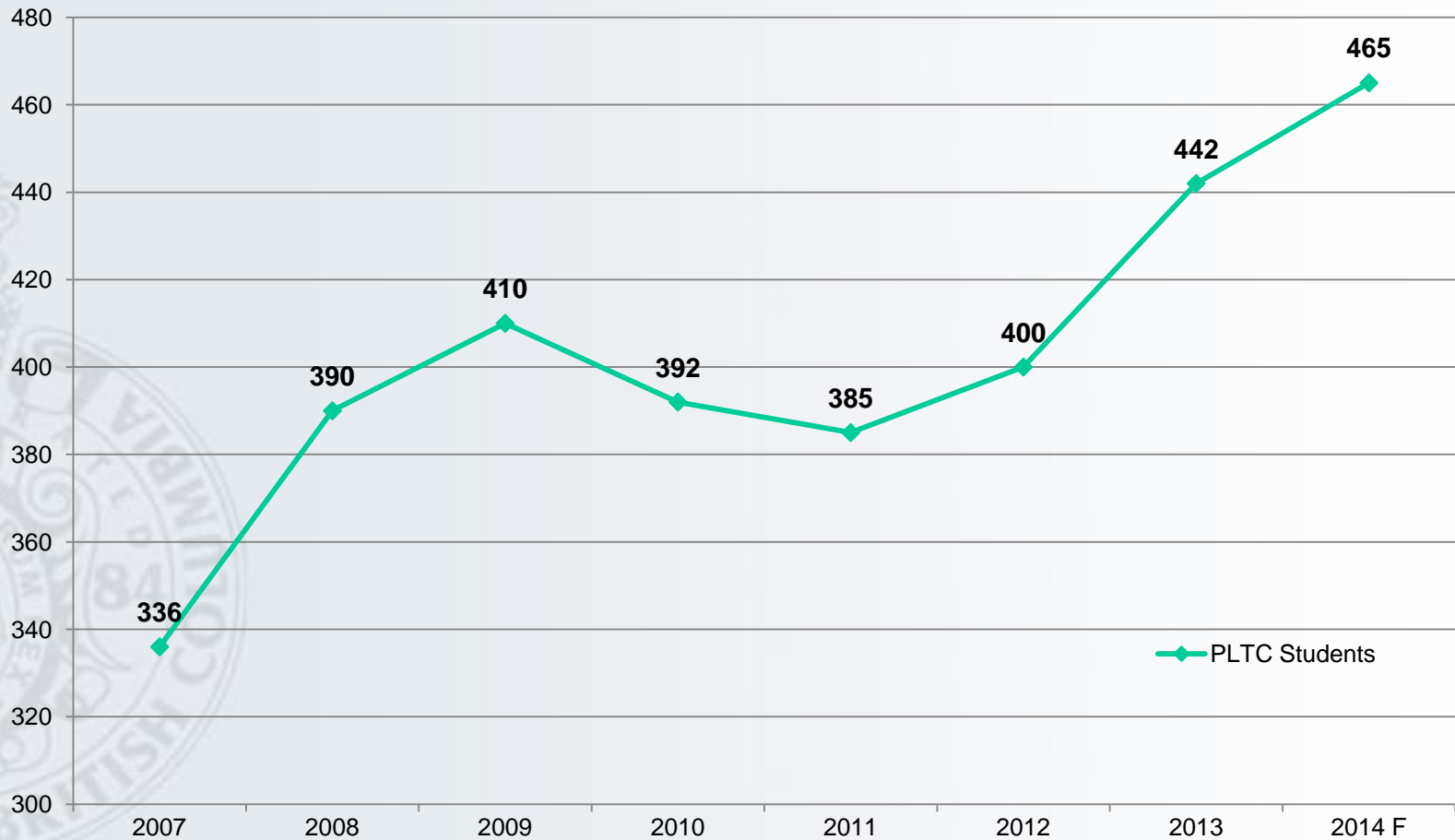
# 2013 Practicing Membership

The Law Society  
of British Columbia





# PLTC Students



# General Fund Operating Results

(without capital)



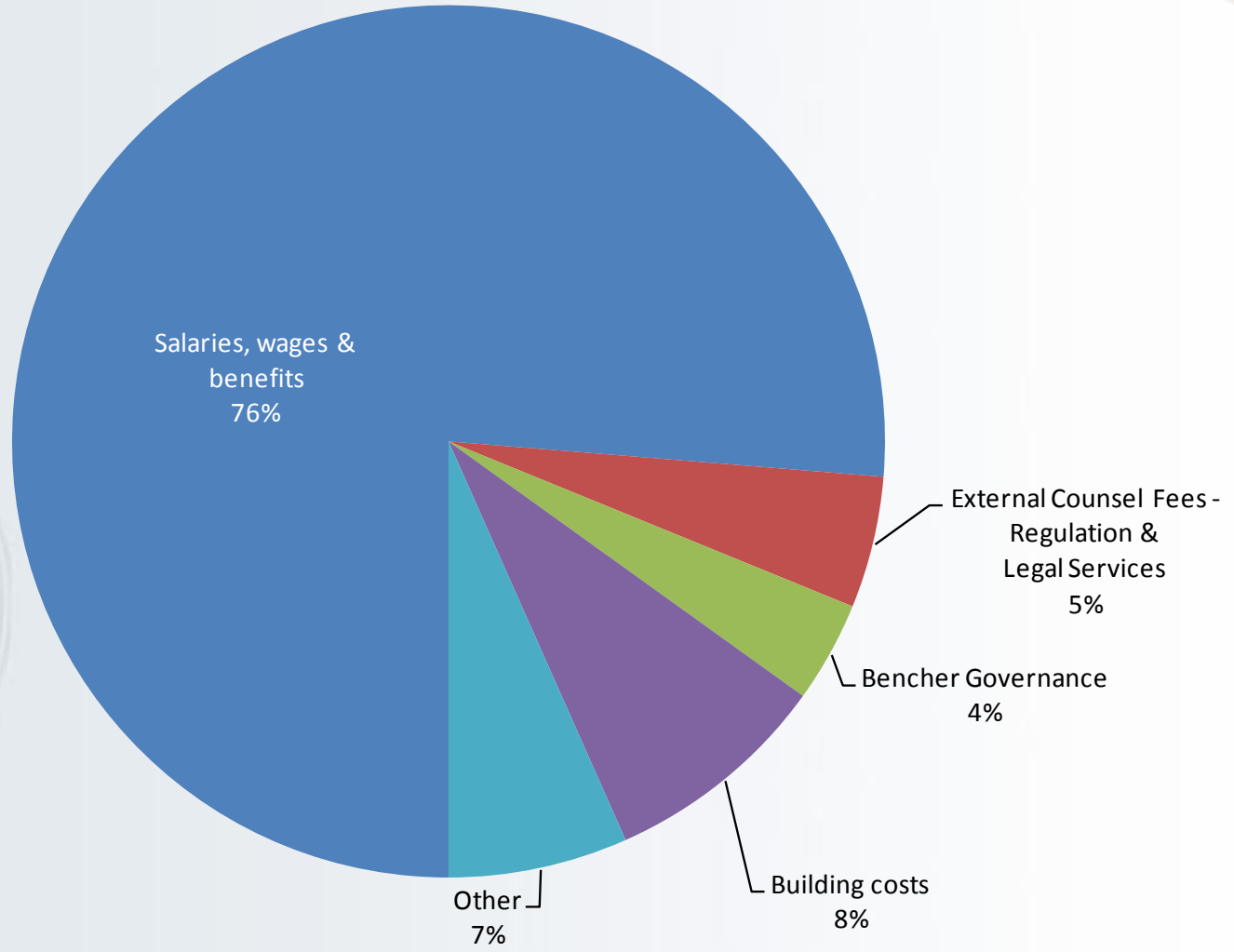
## Areas of savings against budget:

- Staff compensation = \$622,000
- Forensic professional fees = \$145,000

## Costs in excess of budget:

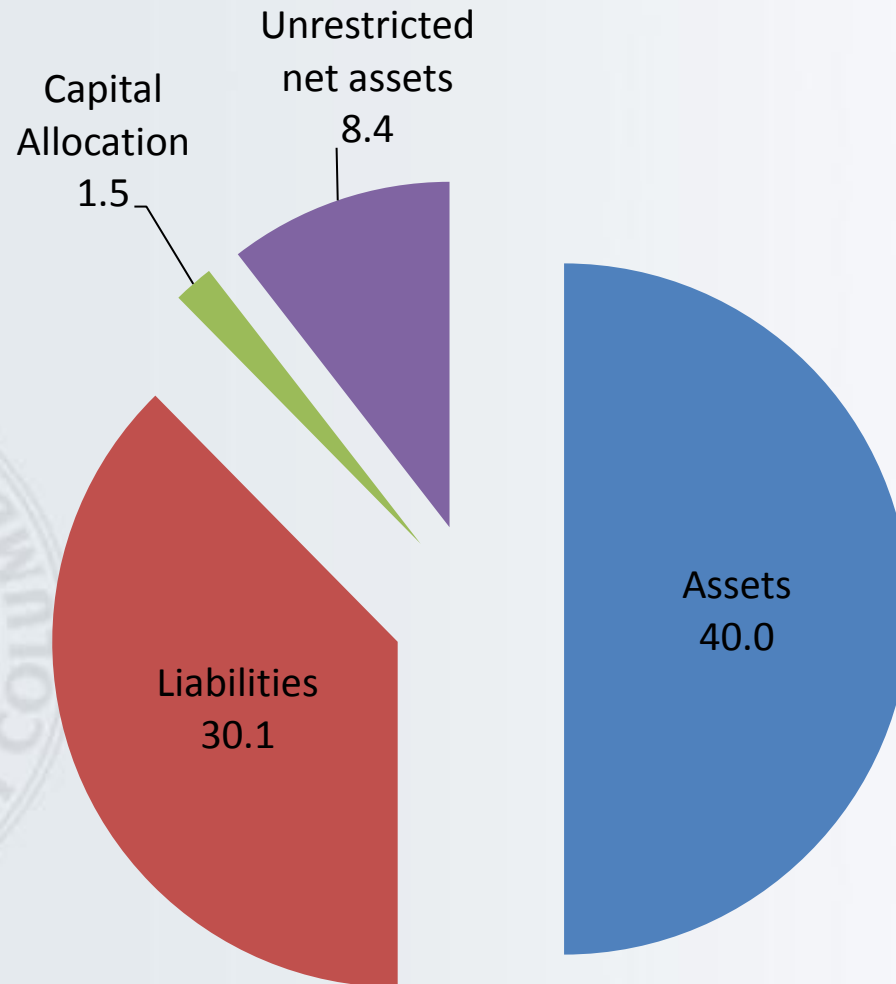
- Regulation external professional fees = (\$178,000)
- Credentials professional fees = (\$80,000)
- Privacy review recommendations = (\$86,000)
- CBA REAL initiative = (\$75,000)
- Contribution for Access Pro Bono space = (\$36,000)
- PLTC – additional students = (\$50,000)

# Operating Expenses Composition by type





# General Fund Balance Sheet – December 2013





# Trust Assurance

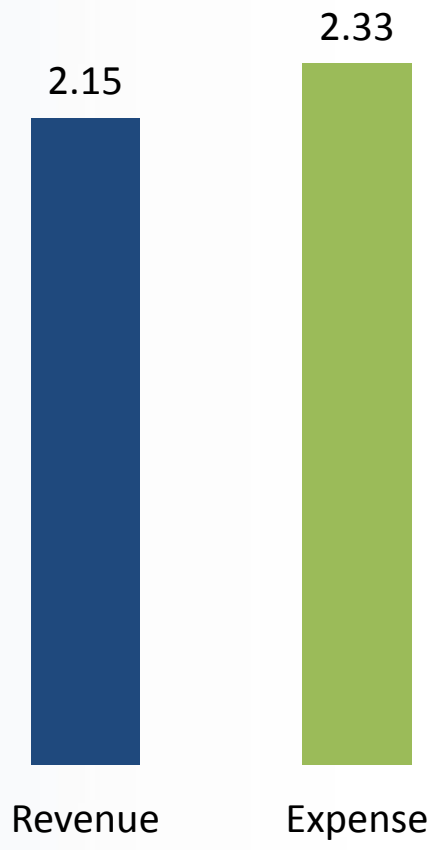
**2013 Actual**



**2013 Budget**



**2012 Actual**

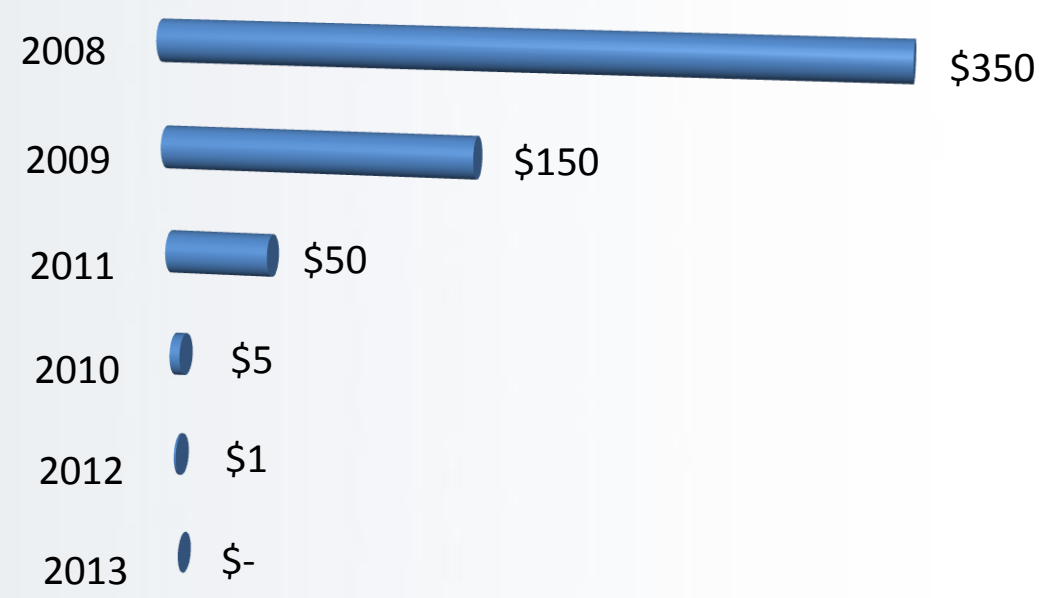


# Special Compensation Fund

## Net Assets

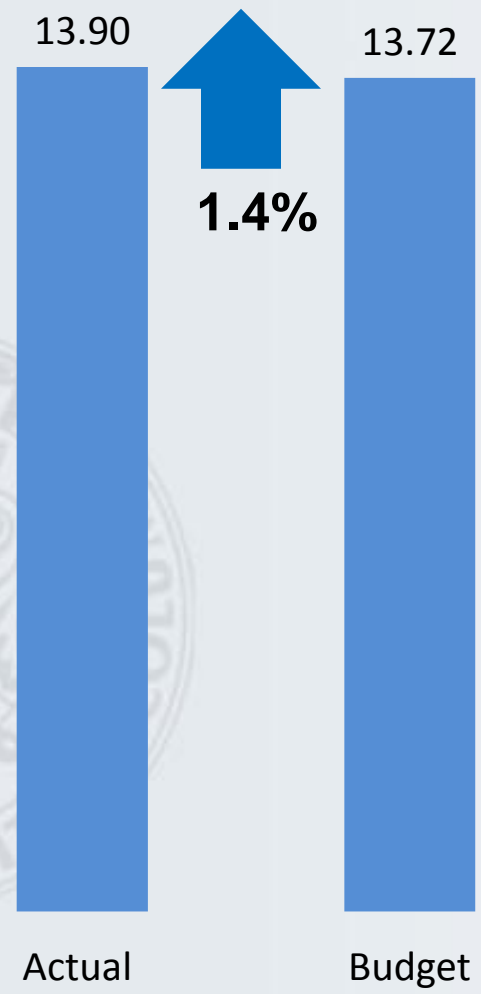


## Special Fund Fee

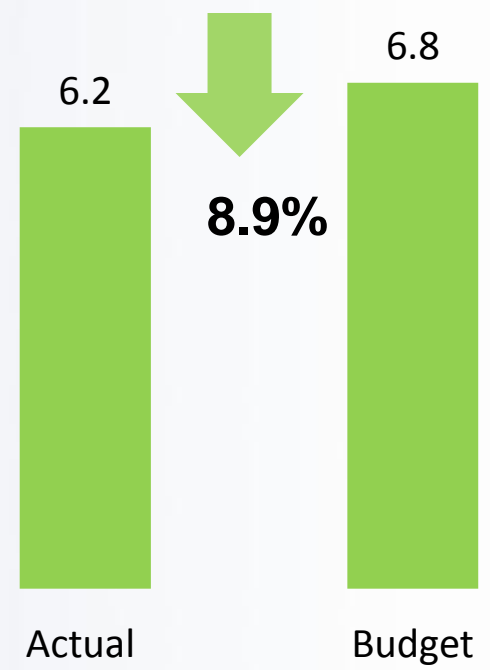


# Lawyers Insurance Fund

## Revenue



## Expenses



# Lawyers Insurance Fund

## Investments



## Net Assets





## A preliminary look at 2014...

- 2014 membership numbers are close to budget and PLTC revenues are expected to exceed budget with 15 additional students
- Pressures and strengths for 2014 –
  - Additional cost items to consider
    - TWU related costs - \$150,000
    - Regulation external counsel fees - \$100,000
  - Compensation savings relating to unfilled positions expected to offset additional costs
  - 835 building 2<sup>nd</sup> and 3<sup>rd</sup> floors now leased and renewed lease for atrium café
  - TAF revenue – on track

**NOTES FOR A SPEECH BY MARIE-CLAUDE BÉLANGER-RICHARD, Q.C.  
TO THE BENCHERS OF  
THE LAW SOCIETY OF BRITISH COLUMBIA  
HARRISON HOT SPRINGS, BRITISH COLUMBIA  
MAY 10, 2014**

Dear colleagues,

C'est un plaisir et un grand honneur pour moi d'être ici avec vous aujourd'hui. A pleasure because I am among friends in this beautiful setting in British Columbia. It is an honour because I speak to you today on behalf of the Federation of Law Societies of Canada in my capacity as President. I wish to thank your President Jan Lindsay for this opportunity.

The Law Society of British Columbia is a very important member and contributor to the Federation, so it is not only appropriate that I meet with you – it is also my duty to report to you about the work of the Federation and the role of this law society in it. It is especially timely that I do this now, as I know many of you are new to your role as Bencher, having been recently elected. Je sais que vous avez déjà appris à connaître la Fédération et que vous en avez beaucoup entendu parler dernièrement. Je suis

certaine que vous en entendrez encore parler au cours des prochaines années et c'est pourquoi il est essentiel que vous soyez conscients que, en fin de compte, la Fédération **c'est vous**. Il est essentiel pour vous de voir la Fédération de cette façon parce que nous vivons une période de grands changements au sein de la profession juridique partout au Canada et, je dirais même, à travers le monde. En effet, la réglementation de la profession juridique purement à l'échelle locale est chose du passé.

Let me begin by painting a picture for you about why the Federation exists in the first place and how it works. Everyone in this room knows that professional regulation is a matter of provincial and territorial jurisdiction. Collectively, Canada's law societies regulate 100,000 lawyers and 4,000 Quebec notaries. In Ontario, the law society also regulates 4,000 paralegals. These bodies are all set up by law to protect the public. They do so by deciding who can be a member of the legal profession in their jurisdictions and ensuring that they are competent. They establish the codes of conduct and professional responsibility that their members are required to adhere to. They respond to complaints and where necessary, they discipline members who fail to live up to the standards required of them.

They protect the public by requiring members to be insured, and I could go on.

In short, the other law societies in Canada are all required to do the same things that yours does.

Now imagine that all of the law societies have come together over a cup of tea and each one has decided to recognize the credentials of every member of the legal profession no matter where they were first admitted to the bar. In this world, the holder of any licence to practice law is assumed to be of the same high standard of competence and integrity no matter where he or she decides to move in Canada without any questions asked or additional training or evaluation.

Voilà ce qu'est la mobilité nationale au Canada et, depuis cette année, ce régime uniforme et fluide s'applique peu importe si un juriste a une formation en common law ou en droit civil au Québec.

So it begs the question – if any lawyer can move anywhere and have his or her licence recognized by any law society, is there any principled reason why the regulation of lawyers should be



approached differently from one jurisdiction to the next? What should the average member of the public think? The answer to that question, of course, is no, there is no principled reason for any substantial variation in how the public is protected by legal regulators anywhere in Canada.

Si on accepte cette réponse, la prochaine question à se poser est comment au juste les ordres professionnels de juristes arrivent-ils à assurer la cohérence de la réglementation de la profession juridique? Et la réponse à cette question est la raison pour laquelle je suis ici aujourd'hui – créer une association bénévole de tous les ordres professionnels de juristes et la nommer la Fédération des ordres professionnels de juristes du Canada.

I must emphasize that the Federation is a voluntary association. It is not a level of government with its own powers. It is actually a creature of the law societies acting collaboratively and it only does what the law societies collectively decide it should do. Think of it as the national branch office of the Law Society of British Columbia. Its existence depends on this law society and its work is done with the input and expertise of this law society. The same can be said of the other 13 members of the Federation.

One word will sum up how decisions are made – consensus. Getting there is hard work, as you can imagine in an organization whose members span wildly different sizes and resources (think of the Law Society of Upper Canada regulating 40,000 lawyers and the Law Society of Nunavut regulating 200). Add to that the fact that Canada is a country with two legal traditions and two official languages. But hard work often results in success, and success is the product of good leadership from each law society. The roles played by the Council representative of the Law Society of British Columbia and the CEO are critical to this success, so the Federation is very fortunate to benefit from the leadership provided by Gavin Hume, Q.C. and Tim McGee, Q.C. who play those respective roles. It is the public that is the beneficiary of the important contributions of these extraordinary individuals.

So what is the essential role of the Federation?

There are three main roles, actually. First, it is the place where national standards and national regulatory initiatives take shape with the objective that they will be imported by each member law society into local rules. After all, the Federation itself regulates no one. It is also a forum for exchange of ideas and dialogue for its members to share best practices, to look together into the future

and identify trends that could affect the legal profession and how it is governed. The Federation is also a national voice for all of the law societies on matters of national interest, whether they arise at the Supreme Court of Canada, with the federal government or internationally.

I would like to emphasize just a few of the important projects that the Federation has been tasked to do by the law societies.

Earlier, I mentioned national mobility. The Federation is the guardian of this regime. The Federation is the place where the mobility arrangements are negotiated and agreed upon. And it is the national initiative of the Federation from which all others flow and draw their principled existence. I wish to single out the extraordinary role played for many years by Jeff Hoskins in this regard. He is among the few individuals in Canada with the corporate memory and an expert legal draftsman's eye to ensure that the mobility agreements actually work the way they were intended. He has been a valuable resource to the Federation and I wish to thank the Law Society of BC for sharing Jeff's talent with us.

La mobilité nationale est la raison pour laquelle la Fédération se concentre sur des projets qui se rapportent aux normes nationales. Trois grandes initiatives occupent actuellement une grande partie de notre temps – le Code type de déontologie professionnelle, les normes de discipline nationales, ainsi que les normes d’admission nationales qui incluent une approche nationale pour l’agrément des programmes d’études en droit.

The Model Code has been adopted in six jurisdictions and is being considered in many more. We recognize that like any set of rules they are not set in stone for all time, so we set up a Standing Committee that is always looking at ways the Code can be improved. Because of this initiative, the Canadian Bar Association recently decided to retire its own Code of Professional Conduct and leave this work entirely to the law societies. Harmonizing codes of conduct is hard and at times tedious work. It takes strong leadership and a commitment of time that few people would be willing to devote. But the chair of our Model Code Committee is Gavin Hume, thank goodness. He is joined in this work by an outstanding team of law society leaders and staff across Canada, and he brings it all together in an exceptional way. Gavin, I am sure your BC colleagues already know that you have been a major contributor to the Federation and have ably

brought the perspective of BC to this work, but you are unquestionably one of the best resources we have nationally. Thank you so much.

In the area of lawyer discipline, we are also working toward high national standards. The National Discipline Standards Steering Committee has completed a two year pilot project and our Council has just approved these standards that touch on fairness, timeliness and transparency of discipline processes across Canada. Now it is up to the law societies to approve the standards and work to meet and exceed them, if possible. Once again, the Law Society of BC is at the forefront of this initiative. You were well-represented on the Steering Committee by Deb Armour who will no doubt have an important role to play in this area going forward. Thank you Deb.

In the area of national admission standards, all law societies have adopted a National Competency Profile for entry level lawyers and Quebec notaries and we are working on options to implement the profile. Work is also progressing on a national good character standard. The National Admission Standards Steering Committee includes Tim McGee and Alan Treleaven. Clearly, the Law

Society of BC's input and leadership is felt in this important project.

Which brings me to two key operational roles that the law societies have entrusted to the Federation: on the one hand, the review of existing and proposed Canadian law degree programs, and, on the other hand, the evaluation of the legal credentials of individuals trained outside of Canada and who wish to practice law in Canada.

These tasks are not inconsequential. The Canadian Common Law Program Approval Committee is in the midst of reviewing over 80 common law degree programs that are currently offered by 20 law schools in Canada to make sure they comply with the National Requirement that was adopted by all law societies a couple of years ago. At the same time, the National Committee on Accreditation reviews about 1,500 applications and administers more than 5,000 examinations on an annual basis to internationally trained applicants.

Allow me at this point to pause and salute your Director of Education, Alan Treleaven. Alan is a member of both of these committees. He brings an incalculable wealth of experience to

these tasks. Thank you Alan. I know this work is very difficult and has its controversial moments. Knowing that you bring a steady hand to these very important aspects of the Federation's efforts, is comforting to us and should give the Law Society of BC great comfort as well.

With national mobility as the backdrop, the law societies have invested heavily in efforts to bring consistency to how lawyers are admitted to practice. In the area of legal education, they agreed on what law school graduates should have in the way of substantive knowledge and skills and these are set out in the National Requirement that all law societies have adopted.

They agreed that the Federation should do the work on behalf of everyone to determine if the National Requirement is met. And the reason is simple. Consistency is better than inconsistency in a world where mobility is the rule. So what have we learned so far from the very challenging and divisive debate all legal regulators across Canada are experiencing with the Trinity Western University law school proposal?

After all, three law societies, including this one, have had thorough and thoughtful processes to deliberate on the same

question with largely the same information at hand. And yet, in the best traditions of our profession, they have managed to arrive at three completely different answers. So far.

Let me make the following observations. First, the debates in BC, Ontario and Nova Scotia, and even the results, while different, all reinforce law society confidence and reliance on the Federation's Approval Committee to decide whether law school graduates will meet the National Requirement and be competent to apply to bar admission programs. This does not appear to be in dispute, even with respect to future TWU law school graduates, as the Nova Scotia decision, for example, made explicit. Where the law societies differ is on issues that do not go to the competence of future law school graduates and those issues have not been given by the law societies to the Federation to decide.

The second observation I would make is that try as we might, national consistency in all things is not always possible all of the time. This is so because of a host of circumstances, and sometimes because of the unintended consequences of decisions taken in good faith. Clearly, this is one of the outcomes from decisions over the last several weeks.



It is true that there are a number of odd situations that could result from accepting TWU graduates in some parts of Canada, but not others, and these have not yet been fully thought through. But it is no reason to be pessimistic that over time, consistency will never be achieved or that we are on the threshold of an unravelling of the national mobility arrangements.

On the contrary, even the national mobility project was a process that evolved toward greater and greater harmony over time. And this is so because the Federation provides the best forum for discussion and collaboration among legal regulators who have exactly the same goal – to serve the public interest. It is when faced with inconsistent regulatory outcomes that law societies should be motivated more than ever to work through the Federation to resolve their differences.

If the regulatory landscape across Canada was already a model of perfection, there would never be a reason to discuss how to improve it. The Trinity Western story is still being told and is far from over. The Federation is committed to working with its members to find ways to come together on this very difficult file and I am confident that we will.

But the Federation is not all about TWU! As the theme of your own Benchers retreat so clearly demonstrated, the topic of access to justice and access to legal services is a preoccupation for all stakeholders in the justice system. So in addition to national standards, the Federation Council has identified access to legal services as an important priority as well.

Comme vous le savez, la Fédération joue un rôle important au sein du Comité d'action national sur l'accès à la justice qui est présidé par le juge Thomas Cromwell de la Cour suprême du Canada et nous avons établi un comité permanent pour lui confier ce dossier. J'aimerais remercier Tim McGee d'avoir accepté de mettre son expérience à profit pour ce comité très important.

Une autre initiative de la Fédération, dont les ordres professionnels de juristes peuvent être très fiers, est CanLII – notre site Web de recherche juridique national offert gratuitement.

CanLII, a Federation initiative, houses over 1,000,000 decisions and is by far the most widely consulted legal resource of its kind in Canada. British Columbia's Johanne Blenkin is a key member of the CanLII Board of Directors.

It is thanks to the financial support of Canada's law societies, including the Law Society of British Columbia, that this incredible resource has achieved its immense popularity throughout the legal profession everywhere in Canada.

I conclude with this. The Federation has evolved substantially in the last several years and we have seen its profile and stature grow among all major stakeholders in Canada's justice system.

Les projets que nous pourrions entreprendre sont innombrables et nous poursuivrons ce travail tant que nous aurons la confiance de nos membres, les ordres professionnels de juristes du Canada.

It is a privilege to work on behalf of and in harmony with the Law Society of British Columbia. In doing so, it is work that we do on behalf of all Canadians everywhere.

Thank you once again to Jan Lindsay, her colleagues, and the law society staff that contribute directly and indirectly to the Federation's work to help the Federation move forward in the public interest. Remember - when you hold up a mirror to the Federation, the faces you will see will be your own. Thank you all for your attention.



## **CEO's Report to the Benchers**

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May 10, 2014

Prepared for: Benchers

Prepared by: Timothy E. McGee

## **Financial Results**

The audited 2013 Financial Statements and associated materials have now been reviewed by the Finance and Audit Committee and are attached as a separate item in your Benchers Agenda Package. Also attached as a separate agenda item are the financial results for the first quarter ended March 31, 2014. As you can see, we are tracking well to budget through the first three months of this year. Finance and Audit Committee Chair Ken Walker, QC, Chief Financial Officer Jeanette McPhee and I will be available to answer any questions you might have regarding these items.

## **In-House Advocacy Workshop for Discipline Counsel**

Representing the Law Society in citation hearings presents unique challenges for discipline counsel. They have an obligation to represent the public interest in the administration of justice but they must also ensure that respondents receive a fair hearing. Often, the manner in which citations are defended and the fact that many respondents choose to represent themselves creates special challenges for all involved.

The discipline counsel group have considerable experience with litigation generally and Law Society hearings in particular, but they recognize and welcome the added benefits of continual growth, peer-to-peer learning and feedback from more experienced counsel, including those who have had the opportunity to serve as hearing panel members. In order to continue to provide support to discipline counsel in this area, Jaia Rai, Manager, Discipline, together with Deb Armour, Chief Legal Officer, are in the process of developing an in-house advocacy workshop for counsel. The workshop will take the form of mock hearings where each counsel will have the opportunity to conduct various aspects of hearings of fictional cases before a panel of guest instructors, at the conclusion of which counsel will receive feedback from each other and the instructors. The feedback will include tips for effective openings, examinations, cross-examinations and oral closing arguments as well as “views from the panel” perspectives. Senior members of the bar who have already expressed an interest and willingness to participate in the workshop as guest instructors include Ian Donaldson, QC, Leonard T. Doust, QC and Glen Ridgway, QC.

If you would like further information about the in-house advocacy workshop or if you have any questions, please contact Deb, Jaia or me.

## Discipline Sanctions Project

One of the core regulatory responsibilities of Law Society hearing panels is the imposition of sanctions on lawyers against whom adverse determinations are made at hearings. The sanctioning process plays an integral role in the Law Society's mandate to protect the public interest in the administration of justice. A working group of Benchers and staff have been considering whether panel members would benefit from additional guidance in this area, beyond what is currently provided by way of panel pool training and counsel submissions made at hearing. The working group considered various models employed in other jurisdictions including other provinces in Canada, the United States and the United Kingdom. They concluded that the development and adoption of a Statement of Principles would benefit panels, and in particular non-lawyer members, by providing them with general guidance as part of a principled approach to sanctioning without pre-determining outcomes in a particular case. The working group is in the process of drafting a Statement of Principles, feedback on which may be sought from select non-Bencher lawyers who regularly appear for respondents. Once finalized, the Statement of Principles will be presented to the Benchers for review, discussion and approval.

The topic of the last Federation of Law Societies bi-annual conference in April in Regina was *Discipline 20/20*. The program for the conference was a wide-ranging review of discipline structures and processes employed by Law Societies across Canada. As part of the program, Deb Armour provided an overview of the discipline sanctions project, including the rationale for the project, specific progress to-date and plans for further development. We received very positive feedback, including views expressed by other jurisdictions to the effect that adoption of principles together with formal guidelines would be a useful and positive tool in ensuring consistent and fair adjudicative processes.

## 2014 Family Law Justice Summit

In 2013, the Legislature enacted the *Justice Reform and Transparency Act*. It created several consultative processes that empower planning across the justice system and to provide a mechanism for dialogue about sector-wide performance. One of the processes created is the requirement to hold, at least annually, a Justice Summit "to facilitate innovation in, and collaboration across, the justice and public safety sector". The first two summits (hosted at UBC in March and November 2013) focused on the criminal justice system, and were attended by all the major justice system stakeholders in British Columbia.

The first 2014 summit is scheduled for May 4 and 5 at UBC, and will focus on family justice. This summit aims to build on the work of the Action Committee on Access to Justice, and to ask what specific steps are needed to: achieve earlier resolutions and more informed participants; to expand out-of-court resolution; to help the courts better meet the needs of families experiencing relationship breakdown; to change the “culture” of family law in BC; to identify the desired outcomes of successful reform; and to identify goals and objectives to achieve by 2017.

The Law Society has been involved with the summits since their inception. I moderated the first two summits, and at the time of writing am preparing to assume that role again at the May summit. Michael Lucas, Manager, Policy & Legal Services and I both sit on the Summit Planning Steering Committee. President Lindsay will be acting as a facilitator during the summit, which will also be attended by Bencher Nancy Merrill and Life Bencher Richard Stewart, QC. President Lindsay, Michael and I will be able to provide more detail about the May Summit at the Bencher meeting.

## **Communications Award**

Congratulations to Robyn Crisanti, our former Manager, Communications and Public Affairs, Carol Oakley, Communications Coordinator and Diana Papove, Project Coordinator for winning the 2014 International Association of Business Communication Gold Quill Award of Excellence in Change Communication for successfully designing and implementing the Law Societies’ Project Leo. The Gold Quill Award recognizes and awards excellence in strategic communications - honoring the dedication, innovation and passion of communicators from all over the world.

Project Leo was a major staff driven project launched in 2012 to design, develop and implement an organization-wide integrated information management tool to improve how we create, manage, share and store information at the Law Society. This was the largest and most complex undertaking of its kind in the history of the Law Society, requiring thousands of person hours of work and involving every single Law Society employee. As a result, we’ve greatly enhanced our overall sense of teamwork and execution at all levels of the organization.

Throughout this two-year project, our Leo change management team maintained a transparent, creative and educational change management approach, focusing on



opportunities for employee engagement and feedback. It's great to see the efforts of this team recognized by their peers.

## **Trinity Western University – Special General Meeting**

A Notice to the Profession was sent out on April 30 to advise members that the requirements for a Special General Meeting had been met, and that formal notice of the meeting will be circulated once a date has been set. At the time of writing, we are working to finalize a date and logistics for the meeting. President Lindsay and I will be available to answer any questions you might have about the process and plans for the Special General Meeting.

## **Legal Services Regulatory Framework Task Force**

The first meeting of the newly constituted Legal Services Regulatory Framework Task Force chaired by Art Vertlieb, QC is scheduled for Friday, May 2. At that meeting, a work plan will be discussed and initial priorities established. We look forward to supporting the work of this Task Force throughout the balance of this year and into next year.

Timothy E. McGee  
Chief Executive Officer