



# Minutes

## Benchers

Date: Friday, July 08, 2016

Present: David Crossin, QC, President  
Herman Van Ommen, QC, 1<sup>st</sup> Vice-President  
Miriam Kresivo, QC, 2<sup>nd</sup> Vice-President  
Satwinder Bains  
Jeff Campbell, QC  
Pinder Cheema, QC  
Thomas Fellhauer  
Craig Ferris, QC  
Brook Greenberg  
Lisa Hamilton  
J.S. (Woody) Hayes, FCPA, FCA  
Dean P.J. Lawton  
Jamie Maclaren  
Sharon Matthews, QC

Steven McKoen  
Christopher McPherson  
Nancy Merrill, QC  
Lee Ongman  
Greg Petrisor  
Claude Richmond  
Phil Riddell  
Elizabeth Rowbotham  
Mark Rushton  
Carolynn Ryan  
Daniel P. Smith  
Michelle Stanford  
Sarah Westwood  
Tony Wilson

Excused: Martin Finch, QC  
Lynal Doerksen

Staff Present: Tim McGee, QC  
Deborah Armour  
Taylore Ashlie  
Mark Bussanich  
Renee Collins  
Lance Cooke  
Su Forbes, QC  
Andrea Hilland  
Jeffrey Hoskins, QC

David Jordan  
Michael Lucas  
Alison Luke  
Jeanette McPhee  
Doug Munro  
Lesley Small  
Alan Treleaven  
Adam Whitcombe  
Vinnie Yuen

Guests:	Dom Bautista	Executive Director, Law Courts Center
	Johanne Blenkin	CEO, Courthouse Libraries BC
	Anne Chopra	Equity Ombudsperson, Law Society of BC
	Michael Welsh	Vice-President, Canadian Bar Association, BC Branch
	Dr. Catherine Dauvergne	Dean of Law, University of British Columbia
	Aseem Dosanjh	President, Trial Lawyers Association of BC
	Ron Friesen	CEO, Continuing Legal Education Society of BC
	Gavin Hume, QC	Law Society of BC Member, Council of the Federation of Law Societies of Canada
	Prof. Bradford Morse	Dean of Law, Thompson Rivers University
	Caroline Nevin	Executive Director, Canadian Bar Association, BC Branch
	Sarah Pike	Law Society Scholarship Recipient
	Wayne Robertson, QC	Executive Director, Law Foundation of BC
	Michele Ross	BC Paralegal Association
	Prof. Jeremy Webber	Dean of Law, University of Victoria

## 1. Presentation of Law Society Scholarship and Introductory comments

Mr. Crossin introduced Sarah Pike, the winner of the Law Society Scholarship, who will be pursuing her Masters in Law at UBC exploring the history of 19<sup>th</sup> century aboriginal communities in BC, the evolution of those communities as it relates to crown sovereignty, and how the issues of that time relate to aboriginal issues of today.

He also related the sad news of the sudden passing of Life Bencher Gary Somers QC, extending condolences to his family. Mr. Somers, an active member of the family Bar, served as a Bencher in the 1990's.

Mr. Crossin also acknowledged the recent appointment to the Bench of Madame Justice Maria Morellato. He extended to her Ladyship the congratulations and goodwill from the Benchers, noting that she will bring to the Bench the same dignity, good judgment and grace that she brought to the Bencher table.

## CONSENT AGENDA

### 2. Minutes

#### a. Minutes

The minutes of the meeting held on June 4, 2016 were approved as circulated.

The *in camera* minutes of the meeting held on June 4, 2016 were approved as circulated

#### b. Resolutions

The following resolutions were passed unanimously and by consent.

*BE IT RESOLVED* to put the following resolution to the members at the Annual General Meeting on October 14, 2016:

*BE IT RESOLVED* to authorize the Benchers to amend the Rules respecting general meetings to provide for voting at a general meeting either partly or fully by electronic means.

*BE IT RESOLVED* that the revisions to the National Discipline Standards outlined in proposed Standard 3 and 9 below be adopted by the Law Society of BC:

***Proposed Standard 3***

Timeline to resolve or refer complaint:

- 3(a) 80% of all complaints are resolved or referred for a disciplinary or remedial response within 12 months.  
90% of all complaints are resolved or referred for a disciplinary or remedial response within 18 months.
- 3(b) Where a complaint is resolved and the complainant initiates an internal review or internal appeal process:  
80% of all internal reviews or internal appeals are decided within 90 days.  
90% of all internal reviews or internal appeals are decided within 120 days.
- 3(c) Where a complaint has been referred back to the investigation stage from an internal review or internal appeal process:  
80% of those matters are resolved or referred for a disciplinary or remedial response within a further 12 months.  
90% of those matters are resolved or referred for a disciplinary or remedial response within a further 18 months.

***Proposed Standard 9***

Each law society will report annually to its governing body on the status of the standards.

*BE IT RESOLVED* that the Benchers create the “Truth and Reconciliation Advisory Committee” to be appointed by the President. The Committee will, at its first meeting, consider a draft mandate. The Committee will present its proposed mandate as agreed by the Committee at the Benchers meeting next following the first meeting of the Committee.

## **EXECUTIVE REPORTS**

### **3. President's Report**

Mr. Crossin briefed the Benchers on various Law Society matters to which he has attended since the last meeting.

He attended the CBA Provincial Council meeting, at which two main themes emerged from speakers and the discussion: legal aid; and issues arising from Truth and Reconciliation Commission (TRC) Report. It was clear that these access to justice issues represent common ground and a common concern throughout the country. He noted that he was approached by many members to express their gratitude to the Law Society of BC for prioritizing access to justice issues, particularly the work and profile of the Legal Aid Task Force Chaired by Nancy Merrill, QC.

He will also be meeting with Chief Justice Hinkson to discuss a collaborative approach between the Law Society and the Courts to promote limited scope retainers as an effective access to justice mechanism.

Finally, he attended the CBA Benevolent Society's annual Battle of the Bar Bands, acknowledging the many bands participating to help support lawyers and their families in times of crisis.

### **4. CEO's Report**

Mr. McGee provided highlights of his monthly written report to the Benchers, beginning with a review of key performance measures which are a measure of how we are performing from the perspective of the users of our services. While the measures cross all areas of regulatory operations, he highlighted the two core areas of complaints and custodianships.

In the area of complaints and their handling, which is a core function of public interest regulation, the results are trending higher positively than ever before, particularly in areas such as whether the user would recommend someone else engage the system. In the area of custodianships, another core regulatory responsibility and a statutory obligation, there are increasing pressures given a surge in demand, but still positive responses. To ensure the smooth transitioning of files, goals moving forward include reducing outsourcing and decreasing the time to complete transitioning.

Mr. McGee also reported on other areas of operations. Trust Assurance has become an area emulated by other organizations. The ongoing goal is to ensure all trust accounts are handled scrupulously and within the Rules, and the desired outcome is to reduce the number of referrals to discipline over time. We are now seeing a downward trend regarding referrals to professional

conduct. In the area of Finance, we are on track operationally, and though we are experiencing some pressures with counsel defense work, we remain in good shape and are track to be on budget for the end of the year.

Beyond these core regulatory operations, Mr. McGee highlighted current operational activities designed to improve the ability of staff to do their work. Under review is a google-type search tool to enhance the internal document retrieval system; the goal is to balance appropriate functionality with cost and the results of this work will be reviewed as part of the 2017 budget process. Mr. McGee also reported good progress on the skills enrichment program, but noted there was still work to do to achieve the goal of 12 hours of targeted customized training for all staff.

Reporting on the current strategic plan initiatives, Mr. McGee noted the important work being done through task forces and committees. Good progress is being made in entity regulation and the TRC and vision for the work. He also noted that the Legal Aid Task Force is established and has begun its important work as well.

Reporting on the 2014 Regulatory Framework Task Force recommendations, Mr. McGee provided Benchers the recommendation to create alternate legal service providers and he noted that it will be important to make these recommendations a priority in the coming months and into 2017 if we are to meet legislative timelines.

Finally, Mr. McGee thanked staff for their hard work to restore the Bencher room for today's meeting, following the flood and extensive restoration work. He wished to publicly acknowledge the time and effort of all involved.

## **5. Briefing by the Law Society's Member of the Federation Council**

Gavin Hume, QC briefed the Benchers as the Law Society's member of the FLSC Council.

He noted that the Federation Council meets 4 times a year; this June's meeting saw a higher level of activity than in the past as a result of the new governance structure. One topic of discussion was the evaluation of Council performance, with a comparison underway of law societies across the country as possible models moving forward. Strategic planning was also discussed; materials will be prepared and distributed over the summer for initial planning at the October meeting. The meeting also included a review of the budget and approval of the fee for the fiscal year starting July 1.

The National Admissions Standards Committee recommended that they not move forward with the proposed national assessment tool, given the critical feedback received. The committee also recommended continuing its work on national competency, as well as the development of a "good character" requirement. Currently Law Societies have differing ways of assessing good

character; given increasing mobility, there is value in a consistent approach. Council accepted the recommendations.

Additionally, minor changes to the National Discipline Standards were recommended and adopted. The National Requirement Review Committee is continuing its consideration of whether the Federation should adopt a non-discrimination clause.

A report was also given by the National Committee on Accreditation whose program review is underway; Mr. Hume noted that the Committee is working toward the goal of including 36 hours of ethics training in all law school programs. A report from the Model Code Committee was also provided, and the logistics are being worked out for a newly created Public Affairs and Government Relations Committee. Also, the Federation was granted intervenor status in the matter of the Law Society of Manitoba v. Green, and, work has begun for the TRC Working Group, of which President Crossin is a member.

The topics for the Fall meeting in New Brunswick will include legal education, which will include discussion of how law societies interact with law schools.

Mr. Van Ommen noted for Benchers that Mr. Hume is the only Federation Council Representative that has not missed a meeting in his six years as our representative, and on behalf of the Benchers, thanked him for his tireless service.

## **DISCUSSION/DECISION**

### **6. Proposed New Rule Addressing Juricert Use**

Mr. Crossin introduced Mark Bussanich, Law Society Discipline Counsel, to brief the Benchers on issues of concern surrounding Juricert use.

For those unfamiliar with the system, Mr. Bussanich provided background on Juricert. As of 2012, the Land Title and Survey Authority (LTSA) required that all filing to the LTSA be done electronically; correspondingly, the Land Title Act requires a certification process for such filings. The Law Society is the designated certification authority, and Juricert is the wholly owned entity created to control the certification process. Lawyers may apply to Juricert for a certificate and, if granted, obtain a password which carries with it two conditions: those certified may not allow others to use their Juricert certificate and they may not share their password. Both conditions act as safeguards to prevent title fraud by limiting the number of people able to access the system.

Those conditions are codified in the *Code of Professional Conduct for British Columbia* (the *BC Code*) which prohibits sharing the password and allowing others access to the certificate for all electronic submission or registration of documents. The trust assurance provisions in Division 3

of the Rules also outline conditions for use of electronic transfer systems, however these are limited in scope to property transfer tax transactions only.

This is significant from a professional conduct perspective, as there are different thresholds for determining whether there has been a discipline violation under the Code or the Rules. When providing an opinion to the Discipline Committee on whether to issue a citation for professional misconduct (such as in the case of a breach of the *BC Code*) professional conduct investigators must analyze whether there is a reasonable likelihood that a discipline violation would be made out; the standard used is a marked departure from that expected of a reasonable lawyer in the circumstances. Conversely, the citation threshold for a “simple Rules breach” is the fact of the breach itself; the added step of finding a marked departure is not required.

As noted by Mr. McGee, the compliance audit program has been successful in generally reducing the number of referrals from Trust Assurance to Professional Conduct. However, in the area of electronic filing, the number of referrals to Professional Conduct is actually increasing as more lawyers are found to be in breach of the Juricert conditions. Mr. Bussanich clarified that the issue is not becoming more widespread, it is simply being caught with greater frequency in the course of these compliance audits.

Since the first referral in 2011, there have been ten conduct reviews and no citations. Four more were considered at the most recent Discipline Committee meeting. The practice of sharing a certificate or password appears to be commonplace. The Law Society has taken many steps to educate and alert lawyers to the issue, but with little apparent effect. As noted, if such breaches are considered by the Discipline Committee under the *BC Code*, it is necessary to go through the marked departure analysis; if the practice of sharing certificate or password has become commonplace, arguably it is not a marked departure and the citation threshold will not be met.

The recommendation is to create a broader scope Rule dictating compliance with the Juricert conditions; in the event of its breach, the citation threshold will have been met. Mr. Bussanich suggested consultation with the Real Estate Bar or the LTSA may assist in the development of the Rule, and recommended referral of the matter to Act and Rules to draft language for Bencher consideration.

In response to a question, Mr. Bussanich confirmed that, prior to Juricert, lawyers would use title agents to appear at the Land Title Office to file transfer documents in a timely way. However, he noted that Juricert has been in place as an electronic filing option for some time, enabling a gradual transition to its mandatory status in 2012. He also confirmed that Juricert is the electronic equivalent of a lawyer’s signature on the transfer documents, to which a Bencher noted that it should thus be essential that a Rule be drafted to cover the conditions of its use. Mr. Bussanich noted that the LTSA would agree, as its position is that the Law Society has the responsibility to effectively regulate the use of Juricert certificates.



In answer to another question, Mr. Bussanich clarified that it was for Benchers to consider whether to remove reference to electronic transfer conditions in the *BC Code* if a broader Rule was implemented, as the memo does not consider the effects of the potential redundancy.

Mr. Bussanich also clarified that Juricert is run by the Law Society; while its use is available to notaries, surveyors and other professionals, the Law Society regulates its use by lawyers. It was noted by a Bencher that consultation with these other groups would be advisable to ensure they establish similar professional conditions. Concern was also expressed that, with a broader Rule, we may be creating a different standard of use for lawyers than others.

It was also queried whether implementation of such a Rule would have an adverse effect on the conveyancing business of lawyers around the province. Mr. Bussanich noted that users of Juricert, lawyers and others alike, must agree to the conditions of use before receiving their certificate. The LTSA has the power to revoke a certification for non-compliance with its terms of use. The implementation of a governing Rule simply allows the Law Society to more effectively regulate non-compliance by lawyers. He noted that, in an area associated with low profit margins necessitating higher volumes, it would be logical to seek out efficiencies of practice to maximize volume. However, it must be stressed that ‘shortcuts’ associated with use of the Juricert system cannot be considered acceptable mechanisms of efficiency.

The question was posed as to why we are not withdrawing certificates from lawyers in cases of breach of conditions. In response, Adam Whitcombe, Chief Information and Planning Officer, clarified that it is the view of the LTSA that the Law Society is responsible to regulate the conduct of lawyers. While the LTSA retains the authority to advise us whether a certificate should be de-registered, they consider it our obligation to police its use.

Further, both Mr. Bussanich and Mr. Whitcombe underscored the importance of educating the profession on the proper use of Juricert, and the potential ramifications of breach of its conditions. If lawyers were made more aware of the conditions of use, and that breach of those conditions could result in a revocation of their certificate, perhaps greater compliance could be achieved.

In response to the question of whether the proposed Rule would govern other electronic filing methods beyond Juricert, Mr. Bussanich clarified that the language of current *BC Code* and Rules provisions refers broadly to electronic filing systems, rather than the proprietary term Juricert. His recommendation would be to mirror such language in the drafting of a new Rule.

The suggestion was posed that, if there appears to be widespread non-compliance with the system requirements, perhaps it would be appropriate for the LTSA to re-examine its system that prevents use by others in the regular course of business. Others noted that lawyers are likely unaware of the conditions, and greater education is needed.

It was also suggested that having a paralegal execute a transfer with a lawyer's password is fraudulent. Mr. Bussanich opined that the practice is generally more benign than that, characterizing it as more of a 'shortcut' whereby the lawyer compares the original document with the electronic version, and then the paralegal actually files it with the lawyer's password. However, he did note that more egregious conduct, such as a lawyer authorizing a transfer over the phone without reviewing the documents, has been known to occur.

It was noted by some Benchers that the area of real property represents an area of risk, particularly with the monetary amounts involved, and indeed is the area that gave rise to the single largest case of lawyer misconduct in this province. If our aim is to prevent fraud on the Land Title system, we need a clear Rule to regulate conduct in this area effectively.

Mr. Crossin underscored the importance of addressing this issue, and called for a motion to refer the matter to Act and Rules to draft a new Rule for Bencher consideration. Motion was made by Mr. Fellhauer, seconded by Ms. Merrill, and passed unanimously.

Mr. Crossin suggested that, in drafting the language, Act and Rules consult with or seek the guidance of any person, group or organization they feel may assist.

## **7. Financial Report – May YTD 2016**

Ms. Kresivo reported to the Benchers as Chair of the Finance and Audit Committee. She briefed Benchers on the Budget-setting process which began yesterday with the Committee's first review of the key drivers for the 2017 budget. Further work and review will continue over the course of several meetings before the budget and the 2017 fees are set. Based on current proposals, potential fee increases may be necessary; staff have been asked to continue to review options to minimize any increases.

She noted that the Finance and Audit Committee recommendation for the 2017 fees will need to be considered and approved by Benchers at their September 30 meeting, and then presented to members at the Annual General Meeting on October 14. She encouraged Benchers to take an active part in the Finance and Audit Committee process in the interim to gain a better understanding of all the factors that will help determine the 2017 fee.

Regarding the 2016 forecast, Chief Financial Officer Jeanette McPhee projected being slightly ahead of budget for the General Fund due to revenue, which is \$200,000 over budget due largely to electronic filing fees. Expenses are on budget; though there are pressures in the area of defence costs, but there are savings in other areas which will likely offset any increase in these expenses.

Trust Assurance is also projected to be ahead in revenue due to real estate transactions. The Lawyers Insurance Fund is also slightly over budget on revenue and under budget on expenses. Investment returns are 1.8%, against a benchmark of 1.7%.

## REPORTS

### 8. Mid-Year Report from the 2016 Advisory Committees

#### a) Access to Legal Services Advisory Committee

Mr. Van Ommen reported as Chair of the Access to Legal Services Advisory Committee, beginning by thanking the members of the Committee, and the staff who so ably support it.

He noted that the Committee has been engaged in ongoing efforts to review and promote “limited scope retainers”, also known as unbundled services. Among other efforts, it is working in collaboration with Mediate BC to assist with the Family Unbundled Legal Services Project and the development of a “toolkit” for lawyers offering such services.

The Committee meets with the Law Foundation each year and makes recommendations as to how the \$60,000 Access to Justice Fund – which forms part of the annual \$340,000 funding to promote pro bono and access to justice – should be allocated. This year, the Committee has recommended the funds be used toward the establishment of a Children’s Lawyer Office, to advocate for children in the context of contested custody or child protection situations. Work is being done to outline a service delivery model for this three year project which has been approved by the Law Foundation Board. The Law Foundation has asked the Committee for a two year commitment to help facilitate the ongoing work; while this year’s Committee cannot bind next year’s, it will be recommending the continuation of funding through 2017. The Benchers are asked to approve this recommendation.

Mr. Van Ommen noted that the Committee will also be raising with Benchers the issue of a lawyer’s professional duty to provide pro bono services. The American Bar Association has directed that, given their monopoly on legal services, lawyers do have an obligation to provide pro bono services, and has suggested a target of 50 hours per year. The Committee will provide a proposal to Benchers for discussion in the Fall.

During discussion, Ms. Hamilton raised the issue of family lawyers being unpaid for their services, with the suggestion that the Law Society could provide meaningful assistance in three ways: to better facilitate payment for “task-based” or unbundled services, an enforceable document should be recognized by the Law Society and the Courts; it should be easier for lawyers to withdraw at any stage of the process, or file to be on the record on a limited basis; and, there should be a different standard of care for task-based work, as lawyers performing such

work do not have carriage of the entire file. Supporting such changes would help encourage family lawyers to take on difficult, often “low bono” cases and help promote the “limited scope retainer”, and thus provide increased access to legal services.

Mr. Crossin noted the importance of concrete suggestions such as these in the pursuit of improving access to justice, and asked Ms. Hamilton to document her suggestions for his reference and that of Chief Justice Bauman’s Access to Justice Committee.

He also invited discussion of the Access to Legal Service Committee’s request for approval of the proposed funding of a Children’s Lawyer Office. Benchers offered support for the important initiative.

Some queried whether such funding would overlap with existing funding for the appointment of counsel to a child 12 years old or older in a child protection case. Wayne Robertson, Executive Director of the Law Foundation, confirmed that such overlap has been investigated; though the capacity currently exists, in practice children in child protection situations are unaware of their right to counsel and few are ever appointed. On a practical level, then, there would be little overlap in funding; he did suggest it may be opportune and appropriate to recommend to the Provincial Government a review of the little-used system.

It was suggested by some that an appropriate focus for the Children’s Lawyer project could be indigenous children, generally as well as those in care (which would include the effects of residential schools). On behalf of the Law Foundation, Mr. Robertson confirmed that the funding notice for the Children’s Lawyer Office has specific focus on aboriginal children and issues.

Regarding the mandating of pro bono work, concern was expressed that attaching a regulatory requirement could dampen enthusiasm for the work, and could be difficult given lawyers’ fluctuating capacity at different times and in different stages of their careers.

Others encouraged consideration of the challenges associated with ensuring access to legal services in isolated and remote communities, in the context of children’s rights as well as pro bono services.

Mr. Crossin confirmed that the plight of indigenous children in our communities has been a specific focus of discussion with the TRC Steering Committee, and anticipated their collaboration on this important project.

## **b) Equity and Diversity Advisory Committee**

Following the appointment to the Bench of former Bencher and Equity and Diversity Committee Chair Maria Morellato, QC (as she then was), Satwinder Bains was appointed Chair and Jamie McLaren was appointed Vice-Chair. Reporting on behalf of the Committee, Ms. Bains thanked

Madam Justice Morellato for her work as Chair, and also thanked the committee, Law Society staff and Ombudsperson Anne Chopra for their continuing hard work.

Highlighting the Report provided, Ms. Bains noted the ongoing work with the Justicia Project which has received the support of large firms and is now being introduced to smaller, regional firms for their participation. Access to the work products from Justicia are now available on the Law Society website.

An ongoing goal of the Equity and Diversity Committee is working toward improvement of the status of women in the legal profession. Partnering with the Justice Education Society, the Committee is looking toward implementation of a pilot project in response to a needs assessment regarding women in the profession.

The Committee is also working on an initiative to benefit newly called lawyers and hopes to have a proposal to Benchers in the Fall. It is also in the process of reviewing the Law Society Resource Guide for Lawyers with Disabilities with a view to implementing some of the recommendations contained therein, and updating the Resource Guide.

Ms. Bains also reported that the Aboriginal Lawyers Mentorship Program has successfully matched 50 mentors since 2013 and is continuing its matching process. She also confirmed the Equity Ombudsperson Program review continues, and expects to have a report to Benchers shortly. She lauded the profession for its high rate of response to the enhanced demographic questions on the Annual Practice Declaration (APD), aimed at those who self-identify as part of an equity-seeking group. The values and needs of such groups inform the work of this Committee, which makes the APD information so valuable.

Finally, Ms. Bains referred Benchers to the Equity Ombudsperson's Annual Report, attached to the Committee's Mid-Year Report.

Mr. Crossin thanked Ms. Bains and Mr. McLaren for assuming leadership roles with the Committee this year, and emphasized the importance of the projects like Justicia as they relate to retention of women in the profession. He observed that there remains an unacceptable level of gender bias in the legal profession, particularly in the Criminal Bar, and encouraged all efforts to combat it.

### **c) Rule of Law and Lawyer Independence Advisory Committee (ROLLIAC)**

Chair Craig Ferris, QC reported on behalf of the Committee, thanking both committee members and staff for their work and commitment. He highlighted for Benchers the central theme of the Report: the Committee's mandate to ensure the public and profession are properly informed about the importance of the rule of law and self-government.

Last July, the Benchers approved of ROLLIAC communicating publicly. Building on the feedback received on the Committee's article on surveillance last year, this year's Committee has made efforts to increase public awareness of rule of law issues, including publication of an article commenting on current issues in China, contrasting with emerging issues in the UK. The goal is to lead engagement on rule of law issues; whether they arise in the US, the UK, or Poland for example, they resonate here as well.

In addition to its published articles, Mr. Ferris reported that the Committee now has its own Twitter feed and encouraged Benchers to follow the Committee. He welcomed feedback on its tweets or publications.

Mr. Ferris also noted the upcoming retirement of Supreme Court of Canada Justice Thomas Cromwell, which has generated discussion of the Federal Government's appointment process for Supreme Court of Canada (SCC) justices. As the rule of law depends on the existence of a merit-based judiciary, this process is one of the most important functions of government. ROLLIAC's report contains a statement of principles articulated and recommended by a designated sub-committee and adopted by the Committee for the purposes of a Law Society proposal to the Minister of Justice; in the Report, Benchers are asked to adopt the principles and approve the proposal.

Additionally, Mr. Ferris noted that the Report recommends approval of a lecture series for 2017 to further engage the public and the profession on rule of law issues.

Finally, he briefed Benchers on other issues being examined by the Committee, including alternative business structures, and professional independence and client demands. He also noted the success of the recent essay contest, which will be reprised for 2017, as another means of engaging the public. Next year's contest will also be open to independent schools in the hopes of expanding its exposure.

Motion was made to adopt the principles for appointment of justices to the SCC as contained in the report of the Sub-Committee of ROLLIAC dated June 2016, and attached as an Appendix 1 to ROLLIAC's Mid-Year Report dated July 8, 2016 (moved by Mr. Campbell, seconded by Ms. Merrill); it was passed unanimously.

Motion was made to approve the Law Society's sponsorship of a lecture series on the rule of law and related topics beginning in 2017 (Mr. Campbell, Ms. Merrill); it was passed unanimously.

#### **d) Lawyer Education Advisory Committee**

Chair Tony Wilson reported on behalf of the Committee. He began by thanking both Committee members and staff for their hard work this year.

As noted in Mr. Hume's report on the Federation, the National Admissions Standards Committee has decided not to pursue its proposed national assessment tool, with the result that the Lawyer Education Committee has turned its attention to review of the Continuing Professional Development (CPD) program.

To obtain input from members on the current CPD program, the Committee sought direct feedback through a BarTalk article written by Mr. Wilson, and conducted a survey; the BarTalk article elicited two responses and the survey elicited 1262 responses. Review of the responses, including over 700 comments on possible improvements, has commenced, following which Benchers will receive a report with recommendations.

The question was asked whether the Committee contemplates the possibility of proposing the abolition of mandatory CPD hours, to which Mr. Wilson responded that the Committee is approaching the project with an open mind, and has committed to fully reviewing the results of the survey in tandem with its review of the programs in other provinces before it makes any recommendations.

In response to another question, Mr. Wilson confirmed that the Committee has had a presentation from PLTC instructors regarding the incorporation of the Truth and Reconciliation Commissions' (TRC) recommendations into the current PLTC program. Alan Treleaven, Director, Education and Practice, confirmed that staff is working in conjunction with the Steering Committee to implement changes to the PLTC program in accordance with the TRC's calls to action.

## **9. CBA Presentation**

Michael Welsh, incoming CBA President, thanked the Law Society for its \$12,000 donation to the highly successful CBA Lawyer Wellness Program, presenting an engraved plaque in recognition.

## **10. Report on the Outstanding Hearing & Review Decisions**

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

## **11. Truth and Reconciliation Commission Steering Committee Update**

Mr. Crossin provided an update for Benchers on the recent meeting of the TRC Steering Committee. Following the Benchers direction to establish a permanent advisory committee, the Steering Committee discussed the make-up and mandate of the new advisory committee. Staff will provide a draft mandate statement of principles, roles and aspirations which will be circulated to the Steering Committee for its consideration.

It was decided that the Steering Committee will stay in place for the consultative process and that the advisory committee will be struck in consultation with the Steering Committee. There was consensus that the new committee will be comprised of an equal number of Benchers and non-Benchers, and will be co-chaired by the sitting President and an Indigenous representative. This year the co-chair duties will be fulfilled by Mr. Crossin and Grand Chief Ed John. There are also ongoing discussions about ensuring representation from the Indigenous bar and setting the number of members at 10.

Mr. Crossin agreed with the comment from Benchers that the Steering Committee should continue to actively engage the Benchers on a regular basis.

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