



Minutes

Benchers

Date: Friday, December 09, 2016

Present:	David Crossin, QC, President	Jamie Maclaren
	Herman Van Ommen, QC, 1 st Vice-President	Steven McKoen
	Miriam Kresivo, QC, 2 nd Vice-President	Christopher McPherson
	Satwinder Bains	Lee Ongman
	Jeff Campbell, QC	Greg Petrisor
	Pinder Cheema, QC	Claude Richmond
	Lynal Doerksen	Phil Riddell
	Thomas Fellhauer	Elizabeth Rowbotham
	Craig Ferris, QC	Mark Rushton
	Martin Finch, QC	Carolynn Ryan
	Brook Greenberg	Daniel P. Smith
	Lisa Hamilton	Michelle Stanford
	J.S. (Woody) Hayes, FCPA, FCA	Sarah Westwood
	Dean P.J. Lawton, QC	Tony Wilson, QC

Excused: Nancy Merrill, QC

Sharon Matthews, QC

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

Michael Lucas
Alison Luke
Jeanette McPhee
Doug Munro
Annie Rochette
Alan Treleaven
Adam Whitcombe
Vinnie Yuen

Guests:	Jasmin Ahmad	2017 Vancouver County Bencher
	Dom Bautista	Executive Director, Law Courts Center
	Johanne Blenkin	CEO, Courthouse Libraries BC
	Anne Chopra	Equity Ombudsperson, Law Society of BC
	Jeevyn Dhaliwal	2017 Vancouver County Bencher
	Bill Veenstra	Vice-President, Canadian Bar Association, BC Branch
	Sonny Parhar	1 st Vice-President, Trial Lawyers Association of BC
	Ron Friesen	CEO, Continuing Legal Education Society of BC
	Richard Fyfe, QC	Deputy Attorney General of BC, Ministry of Justice, representing the Attorney General
	Derek LaCroix, QC	Executive Director, Lawyers Assistance Program
	Ann Lee	Manager, Mediate BC's Roster Program
	Hon. Len Marchand	Provincial Court Judge
	Michael McDonald	Associate Counsel , DLA Piper (Canada) LLP
	Susan Munro	Director of Publications, Continuing Legal Education Society of BC
	Michele Ross	Education Chair, BC Paralegal Association
	Prof. Jeremy Webber	Dean of Law, University of Victoria
	Prof. Val Napoleon	Law Foundation Chair in Aboriginal Justice and Governance at UVic

CONSENT AGENDA

1. Minutes

a. Minutes

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

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

b. Resolutions

The following resolution was passed unanimously and by consent.

BE IT RESOLVED to re-appoint Ms. MacPhail to the Legal Services Society's Board of Directors for a second two-year term commencing January 1, 2017.

BE IT RESOLVED to nominate Lorena Staples, QC, Scott Smythe and Trevor Dungate for consideration by the LTSA Board of Directors, for an appointment to its Board for a three-year term commencing April 1, 2017.

BE IT RESOLVED to amend the Code of Professional Conduct for British Columbia by inserting before Chapter 1 the attached Introduction.

BE IT RESOLVED to amend the Code of Professional Conduct for British Columbia by adopting rules 3.2-2.1 and 3.2-2.2, and commentary, concerning language rights as follows:

Language Rights

3.2-2.1 A lawyer must, when appropriate, advise a client of the client's language rights, including the right to proceed in the official language of the client's choice.

3.2-2.2 Where a client wishes to retain a lawyer for representation in the official language of the client's choice, the lawyer must not undertake the matter unless the lawyer is competent to provide the required services in that language.

BE IT RESOLVED to amend the Code of Professional Conduct for British Columbia by adopting new rule 5.1-2.1 and commentary, as follows:

Incriminating Physical Evidence

5.1-2.1 A lawyer must not counsel or participate in the concealment, destruction or alteration of incriminating physical evidence so as to obstruct or attempt to obstruct the course of justice.

EXECUTIVE REPORT

2. President's Report

Mr. Crossin began his report by noting that, in lieu of a Bencher holiday gift, a donation on behalf of Benchers had been made by the Law Society to the Union Gospel Mission. Additionally, he presented all Benchers with a copy of TRC Advisory Committee Co-Chair Grand Chief Ed John's recent report, commissioned by the Provincial Government, entitled "Indigenous Resilience, Connectedness and Reunification – From Root Causes to Root Resolutions: A Report on Indigenous Child Welfare in British Columbia".

Mr. Crossin acknowledged and welcomed recently elected Vancouver County Benchers Jeevyn Dhaliwal and Jasmin Ahmad, whose terms will begin January 1, 2017, and congratulated Benchers Craig Ferris, QC, Tom Fellhauer, Sarah Westwood and Satwinder Bains on their election to the Executive Committee for 2017. He also commended Lynal Doerksen, Tony Wilson, QC and Martin Finch, QC for stepping forward as Executive Committee election candidates, noting their leadership at the Bencher table.

On a somber note, he acknowledged the recent passing of young lawyer Erin Dance from leukemia, noting for Benchers that he had also done so publicly, on their behalf, at a recent court appearance.

Mr. Crossin also reported that the Law Society Award was presented to this year's recipient, 96 year old Constance Isherwood, QC, at the Bench and Bar dinner. Ms. Isherwood, who continues to maintain a thriving legal practice, is the first woman recipient of the Law Society Award.

Mr. Crossin recently attended the public presentation of Grand Chief Ed John's report on Indigenous child welfare, noting that Grand Chief John expressed to the many elders and dignitaries present his appreciation and gratitude to the Law Society for its recent work and initiatives. He emphasized his fervent hope that this important work will continue well beyond his tenure.

He also stressed the importance of the work being done by Access to Justice BC (A2JBC), noting discussion at its recent plenary session of initiatives in the areas of family law and Indigenous peoples. Indeed, at the recent Justice Summit, Chief Justice McLaughlin expressed her praise for A2JBC and its focus on both first nations' issues in the justice system, and legal aid and child welfare.

Having recently attended a Call ceremony in Victoria, Mr. Crossin also extended his gratitude and congratulations to Benchers Pinder Cheema, QC and Dean Lawton, QC who organize and conduct these ceremonies throughout the year for Victoria lawyers.

Mr. Crossin also attended the Legal Aid Task Force colloquium, about which Benchers will receive a report from Policy and Legal Services Manager Michael Lucas (in Chair Nancy Merrill, QC's absence), as well as the Kelowna Bar Association's themed dinner.

Mr. Crossin ended his report with his acknowledgment of and gratitude toward the Coast Salish peoples, on whose traditional territories the Bench meeting is held.

GUEST PRESENTATION

3. "A Judge's Perspective on the TRC Report and Recommendations"

Mr. Crossin introduced the Honourable Judge Len Marchand to provide the Benchers with his perspective, as a Provincial Court Judge and member of the Okanagan Indian Band, on the Truth and Reconciliation (TRC) Report and Recommendations. Prior to being appointed, and as the son of a residential schools survivor, he took a special interest in historic child abuse claims in institutional settings, and represented a large number of Residential School survivors. In 2005, as a lawyer he helped negotiate and was a signatory to the Indian Residential Schools Settlement Agreement, the largest class action settlement in Canadian history. He served on the Oversight Committee for the Independent Assessment Process and also on the Selection Committee for the Truth and Reconciliation Commission.

Judge Marchand began by thanking the Coast Salish peoples on whose territories the meeting was being held, and noted it was his honour to participate on the TRC Advisory Committee and to speak to Benchers regarding their role in conceiving reconciliation.

In his work as a chemical engineer before attending law school, and in his practice following his call to the Bar, Judge Marchand saw firsthand that the attitudes towards First Nations peoples that had existed at the time of confederation persist today. At confederation, that attitude spawned policies of eliminating governments, treaty rights and rights generally so that First Nations peoples would cease to exist as an independent social and political group in Canada. Those policies also advocated the destruction of language, spiritual practice and culture, the product of which was the residential schools program designed to prevent cultural values being passed down through families. This has been described by the TRC as no less than an attempt at cultural genocide, prompted by Canada's desire to divest itself of legal or financial obligations to First Nations peoples, and to gain control over land and resources.

Prior to contact Indigenous peoples were self-sufficient, self-reliant and self-governing. Today, they experience huge gaps in every socio-economic measure; they experience higher rates of

obesity, diabetes, illness, death by accident, death by suicide, infant mortality, incarceration and lower education.

Judge Marchand related sobering details of the Residential Schools system, which was developed in the 1850's but gained momentum in the 1880's and persisted until the last schools were closed in 1996. The schools were characterized by deprivation and harsh conditions, including inadequate food, poor medical care, poor living conditions, forced labour, poor and limited education, rampant child abuse and high mortality.

The invaluable work done by the TRC revealed heinous stories of abuse of vulnerable and frightened children, the impact of which included loss of pride, loss of self-esteem, anxiety, depression, substance abuse, violence, parenting problems, problems with the law, reduced education and unemployment. The impact on families was no less, and the cycle of dysfunction continues with children of survivors who, having been raised by parents unable to cope or parent effectively, are experiencing similar hardships. In turn, this continues to have a devastating impact on communities, with Aboriginal communities experiencing disproportionate rates of violence, substance abuse, incarceration and death.

He noted that it is important to establish the truth of our shared history for true reconciliation to occur. We must come to terms with the past and atone for harm before we can move forward to establish a foundation for understanding and empathy and a plan of action to change behavior for the future.

He also noted the importance of the Law Society to lead. The 94 recommendations of the TRC Report leave ample room for smaller concrete steps for organizations, courts, law schools and governments. He was critical of lawyers and law societies historically, in failing to recognize the magnitude of problems, and in some cases, working unprofessionally or unethically in their representation of Indigenous clients. Leading on reconciliation now is, as Judge Marchand put it, the right thing to do.

He commended the Law Society for the active steps it has already taken toward reconciliation, and noted the many opportunities that remain to speak publicly and develop changes to education and legal processes. By way of example, he cited the implementation of a non-adversarial process for settlement of residential schools claims, which helped parties feel believed, respected and validated, as well as the development of First Nations Courts which hold offenders accountable to their communities and involve their communities in offenders' progress toward healing.

Further opportunities remain to expand and improve First Nations Courts, to improve other court processes, to develop better spaces for parties to meet, to reform child protection processes from adversarial to inquisitorial, to reform court rules and, importantly, to preserve the meaningful

role of lawyers in all of these processes. When done effectively, process can make a huge difference in people's lives, and provide tools to help turn lives around.

He left the Benchers with the challenging questions of whether they as individuals should, and indeed whether they will, be an impetus for change.

EXECUTIVE REPORTS

4. CEO's Report

Mr. McGee provided highlights of his monthly written report to the Benchers (attached as Appendix A to these minutes).

He began by wishing the Benchers, on behalf of all staff, a very happy holidays, and thanked them for their invaluable contributions in the past year.

Attached to his report was copy of the Strategic Plan for 2015-2017 which is in its final year; he noted that much had been accomplished, and some things remained for focus in 2017.

He also reported on his attendance at the recent Legal Aid Task Force Colloquium, commending Chair Nancy Merrill, QC, and policy staff, including Michael Lucas, Manager, Policy and Legal Services, for their herculean work to bring the event to fruition, and of course President Crossin for his tireless efforts to ensure this issue remains front and centre in the minds of the profession and the public.

He reported as well on his attendance at the International Institute of Law Association Chief Executives (IILACE) in New Zealand earlier in the Fall. Some highlights of developments making an impact internationally included a presentation and interactive session with the founder of Legal Zoom, an online, self-help legal services portal. He encouraged Benchers to remain aware of this growing industry.

Conference highlights also include a presentation from the managing partner of an Australian law firm whose innovative partnership with the Salvation Army to provide humanitarian work from a portion of its legal fees is proving a success. The firm is thriving, attracting both clients and capable young lawyers.

Closer to home, he reported on two operational matters: the completion of staff performance evaluations which forms the basis for performance awards; and, RREX Day, which is the annual awards celebration for non-managerial staff. Debra DeGaust, a paralegal in Practice Standards was the recipient of the Golden Lion award, the highest individual honour, and the Inspired Lion award, which is the award for outstanding team collaboration, went to all the individuals who so efficiently dealt with the aftermath and logistics of the flood earlier in the year.

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

Herman Van Ommen, QC briefed the Benchers as the Law Society's member of the FLSC Council.

He noted that his first Council meeting as the Law Society's representative will be the following week in Ottawa. He has been asked to sit as Chair of the National Committee on Accreditation, and he continues to be a member of the National Requirement Review Committee. He reported that the National Requirement Review Committee is deferring its consultation regarding a non-discrimination clause until the Supreme Court of Canada has ruled in the TWU matter.

At its December meetings, the Federation Council will be reviewing and approving strategic objectives and identifying specific projects to be developed. It is also looking to approve Terms of Reference for the TRC Working Group.

Going forward, he will be circulating the Federation President's reports to keep Benchers apprised of developments as they occur. He invited Benchers to convey to him any particular questions or interests they may have concerning the Federation.

GUEST PRESENTATION

6. UVic's Proposed Common Law/Indigenous Legal Orders Joint Degree Program

Mr. Crossin introduced Dean Jeremy Webber, Dean of UVic Law School, who briefed Benchers on an innovative new dual degree program being developed by UVic which will combine training in common law and Indigenous legal traditions. Instrumental in this work have been Professor John Borrows, Canada's Research Chair in Indigenous Law, Professor Heather Raven, Associate Dean and a pioneer of structures for support of Indigenous students, and Professor Val Napoleon, Law Foundation Chair in Aboriginal Justice and Governance at UVic, who will provide further detail about the program to Benchers later in the presentation.

Dean Webber began by expressing his honour at speaking to Benchers on Coast Salish traditional territories, and following the esteemed Judge Marchand.

The goal of the program is to prepare lawyers who have common law skills to build an interface with Indigenous traditions, ultimately to try to understand how those traditions operate within the Canadian legal order. UVic has developed various programs through the years designed to heighten awareness of Indigenous traditions, but the dual degree program is a step beyond. It was inspired by McGill's dual common law and civil law program, and aims to be an intensive

program over 4 years that undertakes a comparative examination of Indigenous and common law traditions.

The first year of the program will be taught comparatively between traditions. Credit weight will be expanded and some typical first year courses will be moved to second year. Students will get the full JD content and training, but it will be enriched and will provide multiple points of connection with students in other programs. The new upper year courses will be open to all students, dual and single program alike. This is designed to increase collaboration and an interface wherever possible. One challenge of this program is the breadth of Indigenous legal traditions that exist. To respect this diversity and properly engage with a sampling of different structures, field schools will be an important component of the program. These will allow students to work with communities and experts to see the modern expression of Indigenous laws. All UVic students will engage in this training, regardless of program.

The creation of this program is directly responsive to the TRC Calls to Action, and reflects the growing need to provide both Indigenous and non-Indigenous lawyers with a context to build legal institutions that work across both traditions.

UVic is working with the Provincial Government and private foundations to secure the funding necessary to allow the model to proceed, as the Law School anticipates an expansion of enrollment in all programs, and recognizes the need to compensate those communities that participate in the training. It is projected that the program will cost approximately \$1.8 million per year, will require \$18.5 million in capital costs for building spaces, and approximately \$325,000 for student aid.

Professor Napoleon added to this synopsis, briefing Benchers in a bit more detail on the substance of the training. She noted that current Indigenous legal research has focused on harms and injuries, to determine how Indigenous communities dealt with such issues systematically. Research has now added study of lands and resources, for an examination of oral traditions and stories to extract precedents for different expressions of the law.

With this focus, it has become apparent that not only are academic papers necessary, but graphic narratives and teaching guides (which will differ with communities) will also be necessary resources for communities. She brought with her sample copies of a gender and Indigenous laws casebook and toolkit which will be made available to Benchers.

The recognition is that Indigenous communities have a full scope of law to manage human life and interaction and allow communities to sustain themselves. What matters are legitimacy and consent so enduring relationships with Canada and BC can be established. She noted that part of this work is to rebuild Indigenous laws to the highest standards so people can aspire to goals, while maintaining legality at every level. Their aim is to look for instances where people are

already acting within their legal orders, such as with water law, human rights, hunting rights, and mental health, to name a few. The foundations that are being built are unique in the world.

In response to a question regarding the relatively small numbers for the program, at 24 students, Dean Webber noted it is important to have some lawyers in every community who can navigate effectively between traditions. Depth of experience will take time. He also noted that this program is but one piece in a larger context, and that the program has the potential to impact other training methods, such as CPD and government and judicial training.

Appointed Benchers Dan Smith thanked Judge Marchand, Dean Webber and Professor Napoleon for their thoughtful presentations, and also presented a specific question regarding whether UVic's program had considered the Great Law of Peace of the Iroquois Confederacy, in keeping with a holistic approach.

Professor Napoleon indicated that the research has started with harms and injuries, so they have not yet been able to review work with the Six Nations. Regarding the holistic approach, she noted that societies are decentralized and their laws join various components. It will be necessary to rethink and relearn structures across all legal orders, as there are more similarities than we think.

Mr. Crossin echoed the thanks of Mr. Smith, noting the importance of the work being done to integrate legal traditions.

DISCUSSION/DECISION

7. Legal Aid Task Force: Status Report

In Chair Nancy Merrill, QC's absence, Michael Lucas, Manager, Policy and Legal Services reported to Benchers on the progress of the Legal Aid Task Force thus far. He anticipated that the Task Force would provide a final report with respect to its mandate at the March Benchers meeting.

The mandate of the Task Force, which has met 11 times over the past year, is to develop a principled position regarding the promotion of legal aid, to identify ways to take a better leadership role and to engage with other organizations to efficiently use legal resources.

It began by reviewing the Law Society's statutory mandate, which is to uphold and protect the public interest in the administration of justice by, among other things, preserving and protecting the rights and freedoms of all persons. The Task Force has determined that, where all persons do not have equal access to the law, some form of legal aid is required in a democratic society led

by the rule of law. Its work has been to articulate a vision of what a publicly funded legal aid program should look like.

At its recent colloquium, to which the Task Force invited approximately 45 participants from the legal aid community, including representatives from government, the courts and the Bar, a draft form of this vision was further developed. It includes recognition that:

- The rule of law is the foundation of our democratic society;
- Everyone needs to have an opportunity to understand how the rule of law affects their daily lives
- Legal aid is an essential service necessary to ensure that everyone has an opportunity to understand its effect and to access our justice system

The draft vision itself combines essentially two components: universal triage so everyone has access to legal aid (in other words, access to a lawyer), and enhanced services where liberty, security or safety is at risk. The vision will be refined by the Task Force to incorporate feedback and input from colloquium participants before the Task Force completes its final report.

8. Proposed Amendments to the Rules Regarding Bencher Candidate Eligibility

Chair Satwinder Bains reported to Benchers on the Equity and Diversity Committee's review of the Rules requirements that Bencher candidates must have been called to the Bar for at least seven years. This restriction, unlike any other in Canada, underscores that the experience and knowledge often necessary to the tasks of a Bencher come with time; however, it also acts as a systemic barrier to a large number of lawyers in the province. To remove this barrier, and to improve engagement with young and newly called lawyers, the Committee reviewed four options: remove the years of Call restriction; create a designated seat at the Bencher table for this group; create a "newly called lawyers" working group; and, improve the diversity of appointments to internal committees.

On balance, the Committee made the following recommendations:

1. The requirement that candidates for Bencher election be members in good standing at least 7 years [under Rule 1-22(1)(b)] should be removed; and
2. Age or length of call to the bar should be added to the list of diversity markers promoted in section 1.1.4 of the Law Society's Appointments Policy.

The first requires membership approval at an Annual General Meeting. The second is a policy issue that could be referred to Governance to review and develop.

A discussion ensued with many Benchers providing arguments for and against removal of the year of Call restriction. Some noted that many aspects of a Bencher's role necessitate a certain degree of experience. It was suggested that the participation of younger Benchers could be limited, however some took issue with creating different classes of Benchers, in effect, and engaging in tokenism. Others noted the unintended consequence of barring highly qualified transferring lawyers or judges who are newly called in this province.

However, many supported the notion that the membership should be entrusted to put forward qualified leaders, regardless of age or year of Call. It was also observed that no other jurisdiction maintains such a restriction, and that, while it appears rare that more junior lawyers are elected to Bencher tables, their views are brought forward in the course of campaigns, resulting in a greater breadth of dialogue.

Following discussion. Ms. Bains moved (seconded by Mr. Doerksen) that the Benchers recommend to members that the requirement that candidates for Bencher election be members in good standing for at least 7 years [under Rule 1-22(1)(b)] should be removed. The motion was approved by a vote of 18 for and 9 opposed.

9. A2JBC - Funding Proposal

Mr. McGee reported on the proposed funding agreement between the Law Society and the Law Foundation to help support A2JBC, chaired by Chief Justice Bauman, which is a collaborative organization bringing together key stakeholders to coordinate access to justice initiatives and help avoid duplication of resources. A2JBC has reached the point in its efforts where it needs support for its infrastructure to be able to continue. Specifically, the funds will help support a Strategic Coordinator position, which is currently ably filled by Jane Morley, QC, who will remain to shepherd the process going forward. It will also help support the development of a website or another effective communications platform, as well as administrative support for the organization of meetings and agendas.

He then described the origins of the funding source. Under the terms of the arrangement the Law Society and the Law Foundation will each contribute \$150,000 over three years to enable A2JBC to continue its innovative work in bringing together stakeholders from across the justice sector to better collaborate and coordinate in enhancing access to justice for British Columbians.

In its formative stages support for A2JBC was provided through Law Foundation grants and the assistance of Courthouse Libraries BC (CLBC). Going forward the new arrangement will see the Law Society taking on more of a leadership role and in agreement with CLBC will fund its

support through setting aside funds collected for CLBC as part of the 2017 practice fee. Conditions of the support include the development by A2JBC of specific action plans and budgets, progress reporting and joint monitoring and oversight by the Law Society and the Law Foundation.

This funding agreement is consistent with Law Society policy that we may fund external organizations if we were part of their inception; indeed, we were one of the cornerstone founding parties. The proposed resolution was moved by Mr. Van Ommen and seconded by Ms. Kresivo.

There was discussion and questioning before the vote regarding the funding mechanism and the work of A2JBC. On the vote, the motion passed, by a vote of 21 for and 3 against.

10. Submissions on National Security Consultation: Report from Rule of Law and Lawyer Independence Advisory Committee (ROLLIAC)

Mr. Crossin reported that ROLLIAC is proposing submissions to the Federal Government concerning its review of national security provisions. Those draft submissions, included on this Agenda, express fundamental concerns with Bill C-51 which currently allows the government, in the name of national security, to apply to the Court for an ex parte order authorizing a breach of the Charter. In ROLLIAC's submission, the rule of law requires protection even in life threatening situations.

Mr. Crossin moved the motion (seconded by Ms. Hamilton) approving the draft report for submission. The motion was approved unanimously.

11. Governance Committee Year-End Report

Mr. Van Ommen reported as Chair of the Governance Committee, beginning by thanking both the committee members and staff, including Adam Whitcombe, Chief Information and Planning Officer, for a productive year.

The function of the Committee is to assist Benchers on governance policy and practice. To that end, it sends out an annual survey of Benchers and committee members; Mr. Van Ommen encouraged Benchers to submit their survey responses to ensure that the information collected is as complete as possible.

With this report, the Governance Committee has made 9 recommendations for Bencher approval. He did not enumerate each recommendation, but dealt briefly with certain ones. Regarding the third recommendation, Mr. Van Ommen invited Benchers to approach him privately if they felt at all uncomfortable speaking their minds openly at Bencher meetings.

For recommendation 6, that the current process of confining access to agendas and materials to each Bencher's own committees will be maintained, he noted the Executive Committee determined that to do otherwise could fetter each committee's ability to conduct its work throughout the year. The time for Bencher engagement is when each committee's work comes to table for discussion.

After inviting discussion of the recommendations, one Bencher commented on recommendation one, noting that his interest in keeping abreast of developments in the legal services market was aimed at becoming more familiar with the provision of non-lawyer legal services and how that may connect with challenges for the legal professions, such as the procurement of articles.

Mr. Crossin noted that the recommendations did not require a motion, but after canvassing Benchers, determined that there was consensus for the Governance Committee to move forward with them.

REPORTS

12. Year-End Reports from the 2016 Advisory Committees

a. Access to Legal Services Advisory Committee

As Chair, Mr. Van Ommen reported on the Committee's work to date. He recalled that the committee facilitated a productive discussion at the last Bencher meeting concerning the legal profession's duty to provide access to legal services and promote access to justice. Next year's committee will propose an amendment to the Annual Practice Declaration to get more detailed information concerning the pro bono work being done by the profession. It will also continue looking at ways to engage with larger firms to encourage more pro bono work.

This year, the Committee also looked at the issue of unbundled legal services. After consultation, it appears that, although lawyers are permitted to provide unbundled services, some are declining to do so out of concern about the potential consequences. It is the Committee's recommendation that lawyers are advised that the Law Society will consider the context (that is, services performed on a limited retainer) if a complaint should arise. It also recommends that Benchers encourage lawyers to provide such services which will serve to improve access to legal services generally. He noted that Mediate BC, working in conjunction with the Committee, has provided an online toolkit designed to help lawyers frame these kinds of services.

b. Equity and Diversity Advisory Committee

Chair Satwinder Bains reported, noting that she stepped into the role of Chair when previous Chair Maria Morellato, QC (as she then was) was appointed to the Bench mid-year. She thanked

the Committee members for their hard work throughout the year, and gave particular thanks to staff, including Andrea Hilland, for their integral support.

She reported that review of the Equity Ombudsperson program was almost complete and would be reported on early in the new year. Also in the coming year the Committee will be reviewing the 1992 Law Society study “Gender Equality in the Justice System: A Report of The Law Society of British Columbia Gender Bias Committee” in honour of its 25th anniversary.

She also noted the recent presentation of Law Society Award to its first female recipient Constance Isherwood, QC. The Committee had encouraged and applauds this advancement in gender equality.

Finally, she noted that the Committee had provided updates to the Lawyers With Disability Resource Guide on the website, and had made several recommendations in support of the advancement of young lawyers.

c. Rule of Law and Lawyer Independence Advisory Committee

Chair Craig Ferris, QC thanked committee members, Michael Lucas and Charlotte Ensminger for their hard work throughout the year. The focus of this year’s committee was on providing public commentary on international rule of law issues through publications such as the Benchers Bulletin and platforms such as Twitter; both the conventional publications and the social media platform have helped the committee to keep the public informed on the importance of the rule of law as it pertains to current events in our world.

Additionally, the committee made submissions concerning the Supreme Court of Canada appointment to fill the vacancy created by the retirement of the Honourable Justice Cromwell, made submissions on the National Security Consultation, as well as reviewed the International Bar Association Report on Judicial Independence to assist in providing a Canadian contribution.

The committee also conducted the first high school essay contest on the importance of the rule of law, the success of which has led to an expanded contest next year which will broaden the scope of student participation. The committee has also committed to holding the first of its Lecture Series in 2017, and has been engaged in securing a location and speakers.

Finally, it has also continued to monitor progress in the lawsuit brought by the Civil Liberties Association in which it claims that Canada’s newly legislated broad powers of interception, retention and use of data is unconstitutional. Being monitored as well is the extent to which client demand is impacting lawyers’ professionalism and ability to act within the *Professional Code of Conduct*, the scope and impact of alternative business structures, and the meaning of the rule of law to the Law Society.

d. Lawyer Education Advisory Committee

Chair Tony Wilson, QC thanked committee members and staff for their hard work throughout the year. To begin his report, he recalled for Benchers the Lawyer Education Committee's final report on its review of the PLTC program in March, the recommendations with which Benchers agreed. For the balance of 2016, the committee shifted its focus to a review of the Continuing Professional Development (CPD) program; this work will continue into 2017, with the committee looking strategically into which aspects are working successfully, and which could be improved.

To help accomplish this goal, the committee conducted a survey of the profession which garnered 1270 responses. The statistically accurate results demonstrated an 83% overall satisfaction with, and support for the continuation of the CPD program. 65% of respondents felt the current 12 hour requirement was appropriate, or in some cases, not enough. Survey results also showed that most lawyers completed more than the 12 hour requirement, but stopped recording when they reached the required hours.

An issue for consideration is the extent to which courses aimed at lawyer wellness are given CPD credit; this issue will come before Benchers in 2017 for their review and deliberation.

Finally, he reported that PLTC staff are working with the Indigenous Bar to incorporate changes to the PLTC curriculum in accordance with Calls to Action 27 and 28 of the TRC Report and Recommendations.

13. Report on Outstanding Hearing & Review Decisions

Mr. Van Ommen reviewed with Benchers the outstanding decisions.

14. Tribute to outgoing President David Crossin, QC

Mr. Crossin introduced Bill Veenstra, Vice-President of the CBABC who presented Mr. Crossin with a gift on behalf of the CBABC as a token of their appreciation for his meaningful and important work on behalf of the Law Society in 2016.

On behalf of all Law Society staff, Mr. McGee thanked Mr. Crossin, saying it was a great pleasure for all staff to work with him. The genuine care he demonstrated for the welfare of people whose stories came before him, and the passion with which he approached his work was recognized and appreciated. Mr. McGee then shared a quote that epitomized the President, from Mr. Crossin's own address to newly called lawyers: "if you're ever in trouble reach out your hand, someone will take it. If someone reaches out to you, take their hand".

Upon receipt of his President's pin, incoming President Mr. Van Ommen thanked Mr. Crossin personally, and on behalf of the Bencher table, lauding his many achievements, such as spearheading the creation of the TRC Advisory Committee, actively giving voice to rule of law issues, and underscoring the Law Society's relevance in the wider community. He recognized Mr. Crossin with the highest praise: he has made a difference.

In his gracious response, Mr. Crossin noted that, from the bottom of his heart, it had been his honour and privilege to serve the Bencher table.

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2016-12-09