



Minutes

Benchers

Date: Friday, May 28, 2021

Present: Dean P.J. Lawton, QC, President
Lisa Hamilton, QC, 1st Vice-President
Christopher McPherson, QC, 2nd Vice-President
Paul Barnett
Pinder K. Cheema, QC
Jennifer Chow, QC
Barbara Cromarty
Jeevyn Dhaliwal, QC
Cheryl S. D'Sa
Lisa Dumbrell
Lisa Feinberg
Martin Finch, QC
Brook Greenberg, QC
Sasha Hobbs
Dr. Jan Lindsay
Jamie Maclaren, QC
Geoffrey McDonald
Steven McKoen, QC
Jacqueline McQueen, QC
Elizabeth J. Rowbotham
Mark Rushton
Karen Snowshoe
Thomas L. Spraggs
Michael Welsh, QC
Kevin B. Westell
Chelsea D. Wilson
Guangbin Yan
Heidi Zetzsche

Unable to Attend: Not Applicable

Staff: Don Avison, QC
Avalon Bourne
Barbara Buchanan, QC
Jennifer Chan
Lance Cooke
Natasha Dookie
Su Forbes, QC
Andrea Hilland
Jeffrey Hoskins, QC
Jason Kuzminski
Barbara Lohmann
Alison Luke
Claire Marchant
Jeanette McPhee
Doug Munro
Michelle Robertson
Lesley Small
Adam Whitcombe, QC
Vinnie Yuen

Guests:	Dom Bautista	Executive Director & Managing Editor, Law Courts Center
	Janine Benedet, QC	Dean pro tem, Peter A. Allard School of Law
	Dr. Susan Breau	Dean of Law, University of Victoria
	Dr. Cristie Ford	Professor, Peter A. Allard School of Law
	Clare Jennings	First Vice-President, Canadian Bar Association, BC Branch
	Derek LaCroix, QC	Executive Director, Lawyers Assistance Program of B.C.
	Caroline Nevin	CEO, Courthouse Libraries BC
	Robin Phillips	Board Director, Mediate BC Society
	Michèle Ross	President, BC Paralegal Association
	Linda Russell	CEO, Continuing Legal Education Society of BC
	Kerry Simmons, QC	Executive Director, Canadian Bar Association, BC Branch

Mr. Lawton welcomed Benchers and guests to the meeting and acknowledged the Coast Salish peoples on whose traditional lands the meeting is being held, as well as all the traditional territories from where the other Benchers are participating remotely.

Mr. Lawton then paused to acknowledge the devastating news from Kamloops, noting that more information would become available over the coming days. Mr. Lawton stated that our hearts, prayers, and thoughts are with all of those in Kamloops and beyond who are impacted by this discovery. Mr. Lawton then invited Benchers and guests to join him in a moment of silence.

CONSENT AGENDA

1. Minutes of April 23, 2021, meeting (regular session)

The minutes of the meeting held on April 23, 2021 were approved unanimously and by consent as circulated.

2. Minutes of April 23, 2021, meeting (*In Camera* session)

The minutes of the *In Camera* meeting held on April 23, 2021 were approved unanimously and by consent as circulated.

3. Rule 1-9.1 – AGM entirely or partly by internet connection

The following resolution was passed unanimously and by consent:

BE IT RESOLVED to amend the Law Society Rules as follows:

1. ***In Rule 1-9 (5) by striking out “The Executive Committee must” and substituting “Subject to Rule 1-9.1 [AGM by internet connection], the Executive Committee must”.***
2. ***By enacting the following rule:***

AGM by internet connection

1-9.1 (1) Despite any other rule, and in its sole discretion, the Executive Committee may direct that the annual general meeting be held by internet connection

- (a) entirely and without the physical presence of individuals in a meeting place, or
- (b) with the physical presence of individuals in one or more meeting places.

- (2) When the Executive Committee makes a direction under subrule (1), the annual general meeting is governed by Rules 1-8 to 1-13.2 that apply to a general meeting by internet connection.
- (3) Despite subrule (2), at an annual general meeting held entirely by internet connection, the President may
 - (a) preside from any location in British Columbia, and
 - (b) allow any person participating in the meeting who has the appropriate electronic equipment to be heard by all others participating, to speak at the meeting.

4. Rule 2-117 – Failure to pay fine, costs or penalty

The following resolution was passed unanimously and by consent:

BE IT RESOLVED to amend the Law Society Rules as follows:

- 1. Rule 2-117 (1) and (2) is rescinded and the following substituted:*

Money owed to the Society

- 2-117** (1) Where there is any amount of money due and owing to the Society by a lawyer or former lawyer, the Executive Director must apply any money received from the lawyer or former lawyer to the debt before money is applied to the annual fee or a special assessment.

5. Rule 3-58.1 – Trust account only for legal services: Exception for Mediators, Arbitrators and Parenting Coordinators

This item was removed from the agenda and referred back to the Act and Rules Committee to reconsider the language in light of the resolution that was passed at the April Bencher meeting, which stated “that Rule 3-58.1 be amended to allow retainers received by lawyers providing mediation, arbitration, and parenting coordination services to be deposited into their lawyer trust accounts.” The resolution does not explicitly support a limitation to family law mediators or arbitrators, although the context in which it came to pass might.

6. Rule Amendments – Gender Inclusive Language

The following resolution was passed unanimously and by consent:

BE IT RESOLVED to amend the Law Society Rules as follows:

- 1. The following rules are amended by striking out “his or her” and substituting “the student’s”:*

- (a) **Rule 1, definition of “articling start date”;**
 - (b) **Rule 2-59 (1) and (5) (b);**
 - (c) **Rule 2-62 (2).**
- 2. **The following rules are amended by striking out “he or she” and substituting “the Bencher”:**
 - (a) **Rule 1, definition of “Second Vice-President-elect”;**
 - (b) **Rule 1-2 (1);**
 - (c) **Rule 1-5 (4).**
- 3. **The following rules are amended by striking out “his or her” and substituting “the Bencher’s”:**
 - (a) **Rule 1-1 (3);**
 - (b) **Rule 1-2 (2).**
- 4. **Rule 1-6 is amended by striking out “he or she” where it occurs and substituting “the President or Vice-President”.**
- 5. **Rule 1-10 (6) is amended by striking out “his or her” and substituting “the auditor’s”.**
- 6. **The following rules are amended by striking out “his or her vote” and substituting “a vote”.**
 - (a) **Rule 1-13.1 (4);**
 - (b) **Rule 1-27.1 (3).**
- 7. **The following rules are amended by striking out “he or she” and substituting “the member”:**
 - (a) **Rule 1-13.2 (2);**
 - (b) **Rule 1-22 (1) (d);**
 - (c) **Rule 1-25 (1.1).**
- 8. **Rule 1-22 (1) (c) is rescinded and the following is substituted:**

- (c) if a practising lawyer, maintain the chief place of the lawyer’s practice or employment in the district in which the lawyer seeks to be a candidate, and.

9. Rule 1-25 (4) and (5) is rescinded and the following is substituted:

- (4) A resident member of the Society may vote only in the district in which the member maintains
 - (a) the chief place of the member’s practice or employment, in the case of a practising lawyer, or
 - (b) the member’s residence, in the case of a retired or non-practising member.
- (5) A member of the Society may apply to the Executive Committee to be placed on the voter list for a District other than the one required by this rule, and the Executive Committee may direct the Executive Director to make the change if it is satisfied that the member has a significantly greater connection to the District the member wishes to vote in..

10. Rule 1-27 (5) is rescinded and the following is substituted:

- (5) The Executive Director may issue a new set of ballot materials to a member entitled to vote who informs the Executive Director in writing that the original ballot material sent to the member relates to a district other than the one in which the member is entitled to vote..

11. Rule 1-44.1 (2) is rescinded and the following is substituted:

- (2) In the absence of evidence to the contrary, a person employed or retained by the Society is the Executive Director’s delegate when acting within the scope of the person’s employment or retainer to exercise a power or authority delegated to the Executive Director under these rules..

12. Rule 1-51 (e) is amended by striking out “him or her” and substituting “the Executive Director”.

13. The following rules are amended by striking out “his or her” and substituting “the lawyer”:

- (a) **Rule 2-14 (2);**
- (b) **Rule 2-81 (4);**
- (c) **Rule 3-47;**

- (d) **Rule 3-50 (1);**
- (e) **Rule 3-51 (1);**
- (f) **Rule 3-66 (1);**
- (g) **Rule 3-67 (2);**
- (h) **Rule 3-87 (1);**
- (i) **Rule 3-99 (1.1) and (2).**

14. Rule 2-16 (2) and (8) is rescinded and the following is substituted:

- (2) Visiting lawyers must not hold themselves out or allow themselves to be held out as willing or qualified to provide legal services, except as visiting lawyers.
- (8) Notwithstanding Rules 2-15 to 2-27, members of the Canadian Forces who are entitled to practise law in a home jurisdiction in which they are members of the governing body
 - (a) may provide legal services for or on behalf of the Office of the Judge Advocate General without a permit, and
 - (b) do not establish an economic nexus with British Columbia under Rule 2-17 [Disqualifications], provided that they provide legal services exclusively for or on behalf of the Office of the Judge Advocate General..

15. Rule 2-17 is amended by striking out “his or her” and substituting “the visiting lawyer’s”.

16. Rule 2-23 (2) is amended by striking out “he or she” where it occurs and substituting “the visiting lawyer”.

17. The following rules are amended by striking out “he or she” and substituting “the practitioner of foreign law”:

- (a) **Rule 2-30 (5);**
- (b) **Rule 2-33.**

18. Rule 2-31 is amended

- (a) **by rescinding subrule (2) (c) and substituting the following:**

- (c) not be subject to conditions of or restrictions on membership in the governing body of the practitioner of foreign law or on qualification to practise law in any jurisdiction imposed as a result of or in connection with proceedings related to discipline, competency or capacity, **and**
 - (b) **in subrule (5) by striking out** “in his or her home jurisdiction” **and substituting** “in the home jurisdiction of the practitioner of foreign law”.
- 19. **Rule 2-34 is amended by striking out** “before his or her permit expires.” **and substituting** “before it expires.”.
- 20. **Rule 2-36 is amended by striking out** “he or she” **and substituting** “the Canadian legal advisor”.
- 21. **The following rules are amended by striking out** “his or her” **and substituting** “the Executive Director’s”:
 - (a) **Rule 2-43 (1);**
 - (b) **Rule 2-108 (7);**
 - (c) **Rule 3-80 (4).**
- 22. **The following rules are amended by striking out** “his or her” **and substituting** “the applicant’s”:
 - (a) **Rule 2-62 (1);**
 - (b) **2-79 (7).**
- 23. **The following rules are amended by striking out** “his or her principal” **and substituting** “a principal”:
 - (a) **Rule 2-63 (2);**
 - (b) **Rule 2-69 (1).**
- 24. **Rule 2-66 (1) is rescinded and the following is substituted:**
 - (1) With the principal’s consent, an articled student may work in the office of another lawyer qualified to act as a principal, for not more than a total of 8 weeks of the student’s articling period..

25. ***Rule 2-69 (8) and (9) is amended by striking out “within 2 years of his or her enrolment” and substituting “within 2 years of enrolment”.***
26. ***The following rules are amended by striking out “he or she” where it occurs and substituting “the applicant”:***
 - (a) ***Rule 2-79 (1), (4) and (7);***
 - (b) ***Rule 2-81 (3).***
27. ***Rule 2-81 (2) is rescinded and the following is substituted:***
 - (2) An applicant under this rule must fulfill all of the requirements in Rule 2-79 [Transfer from another Canadian jurisdiction] for call and admission on transfer from another Canadian jurisdiction, except that the applicant does not need to pass any transfer examination..
28. ***Rule 2-82 (3) is rescinded and the following is substituted:***
 - (3) This rule applies to those members of the Chambre who have earned a bachelor’s degree in civil law in Canada or a foreign degree and a certificate of equivalency from the Chambre..
29. ***Rule 2-87 (1) is amended by striking out “a lawyer who was a judge or a master must restrict his or her practice of law” and substituting “the practice of law by a lawyer who was a judge or a master is restricted”.***
30. ***Rule 2-96 (1) is amended by striking out “his or her” and substituting “the President’s”.***
31. ***The following rules are amended by striking out “he or she” and substituting “the lawyer”:***
 - (a) ***Rule 3-6 (1);***
 - (b) ***Rule 3-51 (1);***
 - (c) ***Rule 3-108;***
 - (d) ***Rule 3-109 (1);***
 - (e) ***Rule 4-13 (1).***
32. ***Rule 3-11 (2) is amended by striking out “to complete his or her articles” and substituting “to complete articles”.***

33. Rule 3-12 (4) is rescinded and the following is substituted:

(4) The lawyer or articled student and counsel for the lawyer or articled student may be present at a proceeding under this rule..

34. Rule 3-51 (2) is amended by striking out “has conducted himself or herself in a manner unbecoming the profession” and substituting “has committed conduct unbecoming the profession”.

35. Rule 3-72 (2) is amended

(a) **in the preamble by striking out “in his or her general account records” and substituting “in general account records”, and**

(b) **in paragraph (b) by striking out “his or her” and substituting “the lawyer’s”.**

36. Rule 3-75 (2) and (3) is rescinded and the following is substituted:

(2) A lawyer must keep all records for as long as the records apply to money held as trust funds or to valuables held in trust for a client and for at least 10 years from the final accounting transaction or disposition of valuables.

(3) A lawyer must keep records, other than electronic records, at the lawyer’s chief place of practice in British Columbia for at least 3 years from the final accounting transaction or disposition of valuables..

37. Rule 3-87 (2) (c) is rescinded and the following is substituted:

(c) the lawyer or former lawyer has notified all clients and other persons for whom the lawyer is or may become a personal representative, executor, trustee or other fiduciary regarding the lawyer or former lawyer’s withdrawal from practice and any change in the lawyer’s membership status..

38. Rule 3-90 (3) is amended by striking out “he or she” and substituting “the Executive Director”.

39. Rule 4-5 (1) is amended by striking out “him or her” and substituting “the chair”.

40. Rule 4-26 (7) is amended

(a) **by striking out “his or her” and substituting “the person’s”, and**

(b) **by striking out “he or she” and substituting “the person”.**

41. Rule 4-38 (7) is rescinded and the following is substituted:

(7) The Bencher presiding at a pre-hearing conference may allow any person to participate in a conference by telephone or by any other means of communication that allows all persons participating to hear each other, and a person so participating is present for the purpose of this rule..

42. Rule 5-25 (7) is rescinded and the following is substituted:

(7) The Bencher presiding at a pre-review conference may allow any person to participate in the conference by telephone or by any other means of communication that allows all persons participating to hear each other, and a person so participating is present for the purpose of this Rule..

43. Rule 9-2 (3) is amended by striking “his or her decision” and substituting “the decision”.

44. Rule 9-10 is amended by striking out “his or her” and substituting “the president’s”.

45. Rule 9-15 (1) is amended by striking out “he or she” and substituting “the person”.

46. Rule 9-17 (3) is amended by striking out “Each partner is personally liable for his or her own actions,” and substituting “Partners are personally liable for their own actions,”.

47. Rule 10-4 is amended

(a) by rescinding subrule (1) and substituting the following:

(1) A lawyer must protect all records related to the lawyer’s practice and the information contained in them by making reasonable security arrangements against all risks of loss, destruction and unauthorized access, use or disclosure.,
and

(b) by rescinding subrule (2) (a) and substituting the following:

(a) the lawyer has lost custody or control of any records related to the lawyer’s practice for any reason.,

REPORTS

7. President’s Report

Mr. Lawton began his report by announcing the Benchers’ nominee for the 2022 second Vice-President, Jeevyn Dhaliwal, QC. Mr. Lawton congratulated Ms. Dhaliwal.

Mr. Lawton then informed Benchers that arrangements were being made for a virtual Bencher social event to take place the Thursday before the July Bencher meeting.

Mr. Lawton spoke about the *Bronstein* decision, noting that he anticipated that all Benchers had had an opportunity to be aware that the decision in the *Bronstein* case was issued yesterday. It was a very lengthy decision, 125 pages long. Mr. Lawton noted that his following remarks were not directed at the panel, and he recognized that the panel is that of an independent tribunal. Mr. Lawton noted that while the majority and the dissent disagreed about accepting the proposed consent resolution and disciplinary action, both the majority and the dissent accepted that to ensure public confidence in the Law Society's ability to self-regulate requires that it be able to appropriately ensure the safety and protection of the most vulnerable and marginalized members of society within a regulatory process. In *Bronstein*, the Chair, in dissent, recommended that the Law Society undertake a comprehensive review of its disciplinary process, perhaps similar to a review undertaken by the Law Society of Ontario following the *Keshen* decision in that jurisdiction. Mr. Lawton stated that the Law Society's experience in the *Bronstein* matter has demonstrated a need for a review, and the dissent invited an opportunity to ensure that the Law Society's regulatory processes are responsive and accessible to all. To do this is consistent with one of the objectives in the Law Society's Strategic Plan, in particular that part of the Strategic Plan that addresses the unique needs of Indigenous people within Law Society regulatory processes. Mr. Lawton noted that he expected the terms of reference for the review be brought to the July Bencher meeting for discussion and decision by the Benchers and, if accepted, the Benchers would then begin the review shortly thereafter.

Mr. Lawton then updated Benchers regarding Claire Marshall's resignation. Ms. Marshall will be taking on the role of Executive Director for the Millbrook First Nation in Nova Scotia. Mr. Lawton thanked Ms. Marshall for her significant contributions, and informed Benchers that she would continue to serve as a member of the Truth and Reconciliation Advisory Committee.

Mr. Lawton acknowledged the appointment of Madam Justice Julianne Lamb's appointment to the Supreme Court of BC. Mr. Lawton noted that her contributions will be missed. Mr. Lawton reviewed the committee changes he has made to address this vacancy, including the appointment of Ian McIver to the Discipline Committee, the appointment of Karen Orr to the Lawyer Development Task Force, and the appointment of Chelsea Wilson as Vice-Chair for the Practice Standards Committee.

Mr. Lawton informed Benchers that this meeting marked Jeff Hoskins, QC's 300th Bencher meeting. Mr. Lawton acknowledged Mr. Hoskins tenure and contributions.

Mr. Lawton then provided an update of his recent quarterly meeting with CBABC. Mr. Avison, Kerry Simmons, QC, Jennifer Brun, and incoming President Clare Jennings were all in

attendance. Mr. Lawton noted that these meetings have been helpful in sharing ideas and providing opportunities to collaborate on issues in the public interest.

Mr. Lawton spoke about the recent sessions put on by the Mental Health Task Force that engaged with members regarding mental health challenges within the profession, particularly in regard to COVID-19. Mr. Lawton noted that turn-out was good with 120 members attending the first session and 70 members attending the second session. Mr. Greenberg echoed Mr. Lawton's comments and thanked staff for all their help with the Mental Health sessions.

Mr. Lawton informed Benchers that he had participated as a panel member in the Northern BC Law Talks. Mr. Lawton noted that Mr. MacDonald had been organizing these sessions for over a decade. Shannon Salter had also been involved, and Mr. Lawton noted that that he'd had a lively discussion with her regarding the importance of lawyer independence.

Mr. Lawton spoke about the Law Courts Inn's search for new space. The Law Courts Inn would be auctioning off photographic memorabilia and paintings, and Mr. Lawton had been asked to be an auctioneer.

Mr. Lawton spoke about addressing the issue of retaining women in the profession, as well as the particular challenges that women face in the profession. He noted that this matter had been on the agenda of the May Executive Committee meeting, but as the meeting ran late, the matter was adjourned to the June meeting. Mr. Lawton stated that this was an important issue, and it would be addressed.

Mr. Lawton concluded his report by recognizing the high level of support he has received thus far from staff over the past five months of his presidency.

8. CEO's Report

Mr. Avison began his report by Benchers with a status update regarding the governance review. Four proposals have been submitted and are currently being analyzed, and this matter will be on the June Executive Committee meeting agenda for decision, and then Benchers will be updated at the July Bencher meeting. Mr. Avison noted that his expectation would be to have a report available no later than the second quarter of 2022.

Mr. Avison then updated Benchers regarding the Cullen Commission hearings. The evidence phase is now complete, and submissions are expected on June 11 with replies on June 25. Following that, there will be three days of oral submissions. A full briefing will be provided to Benchers after the oral submissions. Mr. Avison also noted that the Law Society of Ontario had passed the Model Rules.

Mr. Avison confirmed that the Bencher Retreat will take place this year in October, though the level of participation will need to be determined based on BC's Restart Plan, which details an incremental approach to public gatherings. Mr. Avison noted that it would likely be possible to meet in-person for the September Bencher meeting as well. Ms. Hamilton provided a brief overview of the core themes for the Retreat, noting that the intention would be to hold an in-depth workshop to review the Law Society's discipline process both for timeliness and appropriateness. Discussion topics will also include the Abrametz decision, as well as the Bronstein case.

Mr. Avison then spoke about call ceremonies, which have not taken place since the onset of COVID-19, with the exception of some smaller, regional ceremonies. The Law Society has been in discussions with the Supreme Court and the Chief Justice about how to best manage the number of call ceremonies needed to address the backlog in the most effective way possible. Mr. Avison noted that the approach would likely be to accommodate a number of events about the usual size to keep as meaningful as possible for the newly called. Mr. Avison also noted that Benchers should give some consideration to changing call ceremony requirements for lawyers transferring from other jurisdictions, and potentially making call ceremonies optional for all.

Mr. Avison then updated Benchers on the budget development process for 2022, which is well underway. The Finance and Audit Committee will be meeting in July to review the budget, and then it will be on the agenda for the September Bencher meeting. There will also be a session in advance of the September meeting to brief Benchers in detail.

Mr. Avison concluded his report with recognizing Mr. Hoskins significant milestone. Mr. Avison also updated Benchers on staffing changes within Colliers and recognized the exemplary work of the Law Society's points of contact within Colliers.

Ms. Snowshoe thanked Mr. Lawton and Mr. Avison for the acknowledgement regarding Kamloops and the discovery of mass graves on the site of a former residential school. Ms. Snowshoe spoke about her experiences as an adjudicator with the Independent Assessment Process, which adjudicated over 38,000 claims of abuse from survivors of residential schools. Ms. Snowshoe noted that there were 139 residential schools across Canada, and the likelihood of more graves being discovered is significant. Ms. Snowshoe also spoke about the importance of giving a voice to all those who didn't survive the residential school system.

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

Ms. Cheema began her report with an overview of the May Federation Council meeting, which dealt with a continuation of discussions regarding the role of reconciliation and the Truth and Reconciliation Commission in the decisions of the Federation going forward. Discussions also included the constitution of an Indigenous advisory council and the terms of reference, as well as

determining whether or not the Council should first consult and engage with Indigenous members of the profession to help inform the constitution and terms of reference for the advisory group, which the Council ultimately agreed was the appropriate way forward. The process for this advisory group will be finalized at the June Council meeting. The Council also discussed the national requirement, which sets the competencies for graduates of Canadian common law programs. The national requirement has a review cycle of every five years, and it must be reviewed again by June 2022. This item will also be on the agenda for the June Council meeting. Ms. Hobbs thanked Ms. Cheema for her update, and noted that she greatly supported the early engagement with Indigenous communities in relation to the advisory council, and stressed the importance of continuing to do better in regard to promoting justice and giving voice to Indigenous peoples, particularly in relation to the recent news in Kamloops. The loss of those children cannot be changed, but it is important to acknowledge what happened and commit to ensuring that something like this never happens again.

Ms. Cheema then updated Benchers on the Law Society of Alberta's Retreat, which would be taking place in Jasper. The topic of the Retreat would focus on alternatives to articling with sub-topics including the integrated practice curriculum. There will also be a panel discussion put on by the western law school deans regarding what law schools can do to prepare students for articles. The moderator of the panel will be Jordan Furlong. Ms. Cheema noted the significant BC presence invited to the retreat, including Mr. Avison, Mr. Lawton, Mr. Whitcombe, Mr. Lucas, and Ms. Small.

Ms. Cheema concluded her report with a brief update regarding the June Federation Council meeting. The agenda will likely focus on current strategic priorities, including the national wellness survey, as well as the criteria for engaging external council in light of the Abrametz decision. Mr. Greenberg provided further details regarding the national wellbeing survey, noting that roll-out has started in the smaller provinces and in the territories. Mr. Greenberg also invited Benchers to encourage all members of the profession to participate.

DISCUSSION/DECISION

10. 2021 Enterprise Risk Management Plan – Update

Mr. Avison began by recognizing Ms. McPhee's recent milestone of 15 years with the Law Society. Mr. Avison then updated Benchers on the Law Society's Enterprise Risk Management Plan for 2021. Mr. Avison summarized the Law Society's major strategic risks and spoke about the staff member responsible for each. Mr. Avison then reviewed each risk in detail, discussing the context, mitigating factors, potential impacts, and risk action plan if applicable. Mr. Avison reviewed how the risks linked to the goals of the strategic plan. Mr. Avison also noted that part of the risk management process was to think about and determine risks that may not be seen as risks, for example the COVID-19 pandemic.

Bencher discussed the Enterprise Risk Management Plan and the role of tribunal councils in mitigating Risk Number 1: *Failure to address lawyer misconduct, incompetence and/or breach of Rules in an appropriate and/or timely manner*, with some Bencher noting that tribunal councils should undertake mandatory Indigenous awareness training.

Bencher also discussed whether or not there were any areas that weren't covered by the current plan. Mr. Avison noted that the process of developing the plan with the consultant was quite helpful in terms of focus. The number of indicators was decreased; however, nothing was really removed from the plan itself. Having less items on the list makes it easier to consider the plan a working document and to keep on hand for decision making. Mr. Avison noted that the Federation Council meeting in June would be focused on training standards for staff in relation to mental health and trauma informed responses, and these are the areas where the Law Society needs to elevate its attention.

Bencher asked if the plan had been compared to other law societies' plans to see if there were any risks that had been identified by other law societies that hadn't been identified by the Law Society of BC. Mr. Avison noted that this hasn't been included in the process, but it could be helpful. Mr. Avison would bring forward the plan to his meeting with the CEOs of other law societies and suggest that all plans be shared to see commonalities or gaps.

11. Proposed Rule Amendment to provide for Bencher Resignation

Ms. Dhaliwal reviewed the proposed rule amendment by which to provide for Bencher resignation.

The following motion was made and seconded.

BE IT RESOLVED that the Bencher approve in principle an amendment to the Rules to provide for the resignation of a Bencher and to refer the matter to the Act and Rules Committee.

The resolution was passed unanimously.

FOR INFORMATION

12. External Appointment: Continuing Legal Education Society of BC

There was no discussion on this item.

13. External Appointment: British Columbia Law Institute

There was no discussion on this item.

14. Kamloops Lawyer Petition: Paralegals

There was no discussion on this item.

15. Minutes of May 13, 2021 Executive Committee Meeting (regular session)

There was no discussion on this item.

16. Three Month Bencher Calendar – June to August 2021

There was no discussion on this item.

The Benchers then commenced the *In Camera* portion of the meeting.

AB
2021-05-28