



Minutes

Benchers

Date: Friday, November 04, 2022

Present: Lisa Hamilton KC, President
Christopher McPherson, KC, 1st Vice-President
Jeevyn Dhaliwal, KC, 2nd Vice-President
Paul Barnett
Kim Carter
Tanya Chamberlain
Jennifer Chow, KC
Cheryl S. D'Sa
Lisa Dumbrell
Brian Dybwad
Brook Greenberg, KC
Katrina Harry
Sasha Hobbs
Lindsay R. LeBlanc
Dr. Jan Lindsay

Steven McKoen, KC
Jacqueline McQueen, KC
Paul Pearson
Georges Rivard
Michèle Ross
Kelly H. Russ
Gurminder Sandhu
Barbara Stanley, KC
Natasha Tony
Michael Welsh, KC
Kevin B. Westell
Sarah Westwood
Guangbin Yan
Gaynor C. Yeung

Unable to Attend: Geoffrey McDonald

Thomas L. Spraggs

Staff: Don Avison, KC
Avalon Bourne
Barbara Buchanan, KC
Jennifer Chan
Lance Cooke
Natasha Dookie
Su Forbes, KC
Andrea Hilland, KC
Kerryn Holt
Jeffrey Hoskins, KC

Alison Kirby
Michael Lucas, KC
Alison Luke
Claire Marchant
Jeanette McPhee
Cary Ann Moore
Doug Munro
Lesley Small
Adam Whitcombe, KC

Guests:	Tobi Adebawale	Scholarship for Graduate Legal Studies Recipient Guest
	Dom Bautista	Executive Director & Managing Editor, Law Courts Center
	Aleem Bharmal, KC	President, Canadian Bar Association, BC Branch
	Pinder K. Cheema, KC	Law Society of BC Representative on the Federation Council
	Dr. Cristie Ford	Professor, Allard School of Law
	Derek LaCroix, KC	Executive Director, Lawyers Assistance Program of BC
	Jamie Maclaren, KC	Executive Director, Access Pro Bono Society of BC
	Oludolapo Makinde	Scholarship for Graduate Legal Studies Recipient
	Mark Meredith	Treasurer and Board Member, Mediate BC
	Daleen Millard	Dean of Law, Thompson Rivers University
	Dr. Val Napoleon	Interim Dean of Law, University of Victoria
	Caroline Nevin	CEO, Courthouse Libraries BC
	Linda Russell	CEO, Continuing Legal Education Society of BC
	Kerry Simmons, KC	Executive Director, Canadian Bar Association, BC Branch
	Karen St. Aubin	Director of Membership & Education, Trial Lawyers Association of BC
	Lana Walker	Assistant Dean, Thompson Rivers University
	Jaxxen Wylie	Indigenous Scholarship Co-Recipient

RECOGNITION

1. Presentation of Law Society Indigenous Scholarship Co-Recipients

President Hamilton introduced and congratulated one of the co-recipients of the 2022 Law Society Indigenous Scholarship, Jaxxen Wylie.

2. Presentation of Law Society Scholarship for Graduate Legal Studies Recipient

President Hamilton introduced and congratulated the recipient of the 2022 Law Society Scholarship for Graduate Legal Studies, Oludolapo Makinde.

CONSENT AGENDA

3. Minutes of September 23, 2022, meeting (regular session)

The minutes of the meeting held on September 23, 2022 were approved unanimously and by consent as circulated.

4. Minutes of September 23, 2022, meeting (*in camera* session)

The minutes of the *In Camera* meeting held on September 23, 2022 were approved unanimously and by consent as circulated.

5. 2023 Fee Schedules

The following resolution was passed unanimously and by consent:

BE IT RESOLVED to amend the Law Society Rules, effective January 1, 2023, as follows:

1. ***In Schedule 1, by striking “\$2,289.00” at the end of item A 1 and substituting “\$2,303.00”;***
2. ***In Schedule 2, by revising the prorated figures in the columns headed “Practice fee” accordingly; and***
3. ***In the headings of schedules 1, 2 and 3, by striking the year “2022” and substituting “2023”.***

REQUIRES 2/3 MAJORITY OF BENCHERS PRESENT

6. Retired Member Fee Waiver Request

The following resolution was passed unanimously and by consent:

BE IT RESOLVED that the retired member's request for a waiver of the retired member fee be approved for 2023.

REPORTS

7. President's Report

President Lisa Hamilton, KC confirmed that no conflicts of interest had been declared.

Ms. Hamilton began her report by acknowledging Pinder Cheema, KC's last Bencher meeting as the Law Society's representative on the Federation of Law Societies Council. Ms. Hamilton thanked Ms. Cheema for her many years of service in this role.

Ms. Hamilton provided an overview of recent meetings and events she had attended since the last Bencher meeting, including a workshop held by the Health and Justice alliance to come up with projects to help families going through family law matters; the CBABC Provincial Council meeting on October 1 at which there was a great deal of discussion regarding the Ministry's Intentions Paper; the Vancouver Bar Association's annual Judge's Luncheon on October 4 to recognize new and retiring judges; a similar event on October 25 held by the New Westminster Bar Association; and opening of the Rise Women's Legal Centre office. She mentioned Rise's One Billable Hour Campaign, which encourages lawyers to donate the equivalent of one billable hour to help support the provision of Rise's services. Ms. Hamilton also spoke about the Federation Conference, which took place from October 11 to 14, and the presentation put on by herself and Don Avison, KC regarding the Ministry's intention to establish a single legal regulator. Ms. Hamilton indicated that discussions were ongoing between the Federation and the Law Society regarding the possibility of the Federation submitting a response to the Ministry's Intentions Paper.

Ms. Hamilton then provided an overview of the International Bar Association conference, which she was currently attending with Mr. Avison. She spoke about the conference's opening ceremony, which had included an address from the President of Ukraine. She then spoke about the many thought provoking sessions she had attended, including those focused on threats to the rule of law and the independence of the bar across the world and the increase of threats to the judiciary in the United States and other countries. Ms. Hamilton spoke about the importance of upholding the rule of law, particularly within the current climate of instability both in Canada and abroad. She indicated that she would share her notes and other materials from the sessions with Benchers.

Ms. Hamilton spoke about her recent engagement activities related to the Ministry's intention to establish a single legal regulator, including meeting with the managing partners of the large law firms, meeting with the Federation of Asian Canadian lawyers, Vancouver Bar Association, and the BC Paralegal Association. She indicated that the discussions had focused on the importance of the independence of the profession and regulator. Ms. Hamilton also provided an overview of upcoming engagement activities, including possible engagement with the South Asian Bar Association, and meeting with the Attorney General on November 17.

Ms. Hamilton then provided an update on current engagement regarding the Ministry's intention to establish a single legal regulator. She indicated that Benchers would be discussing the Law Society's response to the Ministry's intentions paper *in camera*, which would be made public once finalized. Based on Benchers' discussions to date regarding this matter, Ms. Hamilton indicated that she was of the opinion that the response would likely include concerns regarding the maintenance of the independence of the bar and the regulator, including how the composition of the board contributes to independence, as well as the importance of maintaining the current level of diversity on the board. Ms. Hamilton expressed her view that any significant reduction in the size of the board would affect diversity, and she spoke about how proud she was that the Law Society had achieved such a diverse board.

Ms. Hamilton then invited Brook Greenberg, KC to provide an update regarding the National Wellness Study conducted jointly by the Université de Sherbrooke and the Canadian Bar Association. Mr. Greenberg provided a brief overview of the findings of the study, and indicated that the report of the findings does not contain any recommendations. He indicated that the recommendations would come at a later date following review of the findings. Mr. Greenberg informed Benchers that phase two of the study would occur in 2023 and would involve a series of subjective interviews. He then spoke about the initial findings of the study, and noted that a great deal of work would be needed to reduce the perceived stigma of mental health. Mr. Greenberg concluded his remarks with a recommendation that the Mental Health Task Force and the Truth and Reconciliation Advisory Committee also develop recommendations based on the findings of the report to help with the continued raising of awareness of these matters.

8. CEO's Report

Don Avison, KC began his report with an update on recent political developments in BC, by noting that David Eby, KC would become the premier of BC, once the current premier, John Horgan steps down later this year. He informed Benchers that Mr. Eby's transition team would include Shannon Salter as Deputy Minister to the Premier, with Barbara Carmichael, KC taking over as Acting Deputy Attorney General. Mr. Avison indicated there would likely be continued interactions with Ms. Salter regarding Ministry's intention to establish a single legal regulator, and that a meeting had been organized with the Attorney General on November 17.

Mr. Avison then updated Benchers on recent conferences in which the Law Society had taken part, including the Federation conference, which had included a session on the proposed establishment of a single legal regulator in BC and the International Bar Association conference, which included a session regarding corporate structures and anti-money laundering initiatives. Mr. Avison indicated that Frederica Wilson, Executive Director, Policy and Public Affairs, and Deputy Chief Executive Officer of the Federation had provided helpful comments during this session regarding the work the Federation has done to combat money laundering. Mr. Avison also provided an overview of the session regarding the Innovation Sandbox, in which he had been involved, as well as an overview of the International Conference of Legal Regulators, which was hosted by the Illinois State Bar and provided many opportunities to hear about a number of regulatory matters, particularly alternative business structures. Mr. Avison indicated that he would provide Benchers with the presentations that he made at the International Bar Association conference and the International Conference of Legal Regulators regarding the Innovation Sandbox.

Mr. Avison spoke about the Law Society's recent compensation review, which was undertaken by Watson Advisors. He indicated that some modest changes would be proposed at the December Bencher meeting, particularly in regard to compensation for publicly appointed Benchers.

Christopher McPherson, KC provided some additional comments regarding the breakout sessions he had attended at the International Conference of Legal Regulators, including those focused on what it means to be an ethical lawyers in the 21st century, the role of data in legal services regulation, and the role of the regulator in terms of wellness.

UPDATES

9. Financial Report - 2022 - Q3 and Forecast

Jeevyn Dhaliwal, KC introduced the item. She indicated that the financial forecast appeared to be on track for 2022 to end positively. Ms. McPhee provided an overview of the financial results and highlights to the end of September 2022. Ms. McPhee noted that the general fund operations resulted in a positive variance to budget, which was due to increased revenues, along with lower operating expenses due to a combination of permanent variances and timing differences. Ms. McPhee also provided an overview of forecasted 2022 year-end results, and noted that revenue was projected to be ahead of budget due primarily to a higher number of practising lawyers, along with increased electronic filing revenues, PLTC fees, and interest income. Ms. McPhee also noted that operating expenses were projected to be slightly under budget due to savings in meeting and travel expenses, the delivery of the PTLC program virtually, and other savings. Ms. McPhee concluded her remarks with an overview of the Law Society's investment portfolio. She also noted an error in financial report included in the agenda package, and indicated that the

benchmark for the 2022 Lawyers Indemnity Fund long term investments should be -6.2%, not -7.56%.

10. Report on Outstanding Hearing & Review Decisions

Christopher McPherson, KC, as Tribunal Chair, provided an update on outstanding hearing and review decisions and thanked Benchers for their efforts to get decisions in on time, as timeliness is important to the public and those involved in proceedings.

Other Business

Sasha Hobbs, in her capacity as a publicly appointed Bencher, expressed her support for a larger board of the regulator that represents the diversity of the public. She indicated that having a diverse board that represents and reflects different perspectives, particularly those of Indigenous peoples, provides value in a way that is not achievable with a much smaller board. Ms. Hobbs spoke about how the law touches on all parts of society, and the importance of recognizing Indigenous peoples significant understanding of this. She also spoke about the importance of having a strong legal presence on the board as well as having diverse representation.

FOR INFORMATION

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

There was no discussion on this item.

12. 2023 Executive Committee and Bencher Meeting Dates

There was no discussion on this item.

13. Three Month Bencher Calendar – November 2022 to January 2023

There was no discussion on this item.

The Benchers then commenced the *in camera* portion of the meeting.

AB
2022-11-23