

Benchers' Bulletin

The Law Society
of British Columbia



Your information bulletin on Law Society of British Columbia activities

2001: No. 4 July-August



The horizons are now a little broader for lawyers in Western Canada who enjoy the most open mobility in the country and can practise in any western province for up to six months in any 12-month period, without having to transfer Law Society membership or obtain occasional practice permits: see "Temporary lawyer mobility in the west" below.

*In this mailing ... the Benchers consult with B.C. lawyers on multi-disciplinary practice — see the **Benchers' Bulletin Supplement** for details. Lawyers interested in opportunities for their firm in offering pro bono legal services will want to look over the registration flyer on **Pro Bono Forum 2001**, taking place October 19-20 in Vancouver. **In late August ...** watch for the Law Society AGM mailing, including details on "Day of Law" to be held September 21 at nine videoconference locations across B.C. in conjunction with the annual meetings of the Law Society and the B.C. Branch of the CBA.*

Temporary lawyer mobility in the west

B.C. lawyers can now work in other western provinces up to six months a year

Lawyers from B.C., Alberta, Saskatchewan and Manitoba can now practise law in any western province without a permit, for up to six months cumulatively in any 12-month period, on an unlimited number of matters (or in any other province or territory in Canada that adopts reciprocal provisions).

There are no fees and no need for prior notification to the host law society — other than in Saskatchewan where the Law Society requires advance notice of a lawyer's intention to use the mobility rules.

To practise beyond the six-month limit, the lawyer

must become a member of the host law society.

A Canadian lawyer belonging to a law society without similar provisions may still visit any of the Western provinces in accordance with the standards of the Interjurisdictional Practice Protocol of the Federation of Law Societies of Canada. In that case, the lawyer may act without a permit on 10 matters, for not more than 20 days in any 12-month period — known as the "10-20-12" rule. In the Western provinces and in

continued on page 4

The Law Society of British Columbia



ELECTED BENCHERS

President

Richard S. Margetts, Q.C.

First Vice-President

Richard C. Gibbs, Q.C.

Second Vice-President

Howard R. Berge, Q.C.

* * *

Ralston S. Alexander, Q.C.
Jo Ann Carmichael, Q.C.
Robert Crawford, Q.C.
Robert D. Diebolt, Q.C.
Ian Donaldson, Q.C.
William M. Everett, Q.C.
Anna K. Fung, Q.C.
David W. Gibbons, Q.C.
Robert W. Gourlay, Q.C.
Gerald J. Kambeitz, Q.C.
Peter J. Keighley, Q.C.
Terence E. LaLiberté, Q.C.
Gerald J. Lecovin, Q.C.
Robert W. McDiarmid, Q.C.
D. Peter Ramsay, Q.C.
Emily M. Reid, Q.C.
Patricia L. Schmit
Jane S. Shackell, Q.C.
William J. Sullivan, Q.C.
G. Ronald Toews, Q.C.
Russell S. Tretiak, Q.C.
Ross D. Tunnicliffe

LAY BENCHERS

Jaynie Clark
Ann Howard
Marjorie Martin
Anita Olsen
Dr. Setty Pendakur
June Preston

EX OFFICIO BENCHER

Attorney General
Geoff Plant

LIFE BENCHERS

R. Paul Beckmann, Q.C.
P. Michael Bolton, Q.C.
Robert W. Bonner, Q.C.
Darrell T.B. Braidwood, Q.C.
Mr. Justice Thomas R. Braidwood
Cecil O.D. Branson, Q.C.
Trudi L. Brown, Q.C.
Mr. Justice Grant D. Burnyeat
A. Brian B. Carrothers, Q.C.
Mr. Justice Bruce I. Cohen
Mr. Justice George S. Cumming
Robert M. Dick, Q.C.
Ujjal Dosanjh, Q.C.
Leonard T. Doust, Q.C.
Jack L.T. Edwards, Q.C.
Thomas K. Fisher, Q.C.
Dr. James J. Gow, Q.C.
Arthur M. Harper, Q.C.
David B. Hinds, Q.C.
John M. Hogg, Q.C.
H. Allan Hope, Q.C.
Henry E. Hutcheon, Q.C.
Robert T.C. Johnston, Q.C.
Peter Leask, Q.C.
Hugh P. Legg, Q.C.
Charles C. Locke, Q.C.
James M. MacIntyre, Q.C.
Allan D. McEachern
Meredith M. McFarlane, Q.C.
Lloyd G. McKenzie, Q.C.
Brian W.F. McLoughlin, Q.C.
Colin D. McQuarrie, Q.C.
Kenneth E. Meredith
Peter J. Millward, Q.C.
Dennis J. Mitchell, Q.C.
Karen F. Nordlinger, Q.C.
Richard C.C. Peck, Q.C.
Harry Rankin, Q.C.
Norman Severide, Q.C.
Donald A. Silversides, Q.C.
Gary L.F. Somers, Q.C.
Madam Justice Mary F. Southin
Marvin R.V. Storrow, Q.C.
Benjamin B. Trevino, Q.C.
William M. Trotter, Q.C.
Alan E. Vanderburgh, Q.C.
Brian J. Wallace, Q.C.
Karl F. Warner, Q.C.
Warren T. Wilson, Q.C.

MANAGEMENT BOARD

Executive Director

James G. Matkin

Deputy Executive Director

Jean P. Whittow, Q.C.
*Director of Discipline and Professional
Conduct*

* * *

Brad Daisley
Public Affairs Manager

Susan Forbes
Director, Lawyers Insurance Fund

Jeffrey G. Hoskins
General Counsel

Susan James
Human Resources Manager

David Newell
Corporate Secretary

Neil Stajkowski
Chief Financial Officer

Alan Treleaven
Director, Professional Legal Training

Ron Usher
Staff Lawyer, Practice Opportunities

Adam Whitcombe
Director of Statistics and Development

LAW SOCIETY OFFICE

845 Cambie Street
Vancouver, B.C.
Canada V6B 4Z9

Telephone: (604) 669-2533
Toll-free within B.C.: 1-800-903-5300
Telefax: (604) 669-5232
TTY: (604) 443-5700
Website: www.lawsociety.bc.ca

LAWYERS INSURANCE FUND

Telephone: (604) 682-8911
Telefax: (604) 682-5842

Benchers' Bulletin

The *Benchers' Bulletin* and related bulletins are published by the Law Society of British Columbia and are distributed to B.C. lawyers and articulated students to apprise them of the activities of the Benchers and Law Society committees. Additional subscriptions to Law Society bulletins may be ordered at a cost of \$50.00 (plus GST) per year, prorated at \$12.50 per quarter. If you have ideas on how to improve the *Bulletin*, please contact the editor.

Editor: Denise Palmer
Editorial Assistant: Denise Findlay
Subscriptions: Donna Kokot
© 2001 The Law Society of British Columbia
Canada Post Publication No. 1475525

We need to rethink the role of lawyers



Richard S. Margetts, Q.C.

Since the beginning of the year, I have tried in this column to focus on the struggles of the legal profession in the face of change. I've made my own opinion abundantly clear: *We need to aggressively rethink the role of lawyers in delivering legal services if we are to remain a vigorous profession.* Others in the profession, quite properly, have different views. It is important that the Benchers receive informed feedback from the profession on how we should deal, at a philosophical and practical level, with the challenges before us.

On MDPS

One of those challenges is multi-disciplinary practice. In this mailing you will find a *Benchers' Bulletin Supplement* on multi-disciplinary practice, setting out background to the issue and asking lawyers for their views on some fundamental questions. There has been, and will continue to be, much debate on this important issue. This is not the forum to plump for one side of the argument or the other, but to alert the profession to the substantive issues that underlie the debate. The Law Society Multi-disciplinary Task Force has proposed a possible regulatory regime and rules for multi-disciplinary practice, intended to open up the practice options for lawyers while still protecting the core values of the profession.

The questions the Benchers wish to ask lawyers are these: *Do you favour or oppose permitting lawyers to engage in multi-disciplinary practice? If multi-disciplinary practice is to be permitted, what degree of lawyer control is necessary? What do you see as the major advantages/disadvantages of an MDP regime? Do the draft rules ensure that "the core values" of the legal profession are protected? Are the draft rules sufficiently comprehensible and practical so that lawyers who wish to participate in an MDP can do so? Can the rules be improved? If so, how?*

Whatever the outcome of this debate, there will be significant consequences for the profession, and significantly different consequences according to the outcome. It is correct to say, as most of the commentators have observed, that the MDP issue is the most important that our profession has considered in many years.

I encourage you to read carefully the background material referred to in the *Benchers' Bulletin Supplement* and, in particular, four articles by Jack Giles and myself that appeared in *The Advocate* over the past year — my most recent in the July, 2001 issue. These outline the different perspectives on MDPs. You will also wish to review the regulatory framework for multi-disciplinary practice proposed by the MDP Task Force, including draft rules, which are posted on the Law Society website. Then I encourage you to let the Law Society know your views.

The Day of Law

Another circular, coming your way in late August, is a full program package for the *Day of Law*, held in conjunction with the annual general meetings of the Law Society and the CBA. A first notice of this special event was sent to you mid-July. It has struck me for some time that the AGM, a statutorily required event, draws together lawyers through multiple teleconference locations. Yet this has been an expensive opportunity lost. In addition to the AGM business, we should take the time to update ourselves on changes in law and practice, to renew acquaintances and make new friends and, perhaps, to encourage the collegiality that many of us fear we are losing in the bustle of modern life. The 2001 *Day of Law* is our opportunity.

One of the topics on the agenda is the pending money laundering legislation, expected to come into force in October this year. The federal government seeks to impose on lawyers invasive requirements that undermine the fundamental duty of loyalty that we owe to each of our clients. The new legislation will impact on every one of us, from barrister to solicitor, from criminal lawyer to securities lawyer. The penalties for failure to comply are severe.

At the *Day of Law*, we will update you on the course of action that the Law Society of British Columbia, and other law societies across the country, have embarked upon in an effort to have the government reconsider its position. However, if the government is intent on proceeding, and pending a possible constitutional challenge, it is imperative that lawyers fully comprehend their obligations under the new law and how best to protect their clients' interests.

Also at the *Day of Law*, CLE will present an update on changes in the law over the past year, the CBA will present a session on practice opportunities for lawyers, with a focus on property offerings, and the Law Society will present ethical and practice dilemmas in a unique game show format.

continued on page 4

President's View... continued from page 3

I encourage you to attend this innovative program.

Finally, I have had the privilege and pleasure of meeting and hearing from many of you over the first half of my year as President. I hope to continue to travel about the province to attend and speak at your county and local bar meetings over the balance of my term. However, I am available to hear the concern of any lawyer individually, at your convenience. I encourage anyone who wishes to express a concern, raise an issue or just talk about the state of affairs to contact me either by phone or email. My direct line at the Society is (604) 605-5324

and my email address is rmargetts@lsbc.org.

I look forward to hearing from as many of you as possible.

* * *

I mark with sadness the recent passing of two lawyers well known to many in the profession — one of our leading criminal defence lawyers, Kenneth Young, Q.C. and the Director of Land Titles, Malcolm McAvity, a reformer dedicated to protecting our Torrens land system and bringing it online through the most progressive technologies. Our condolences go out to their families and friends and to others in our profession who have experienced loss during the year. □

Temporary lawyer mobility ... continued from page 1

Ontario there is now no requirement that the visiting lawyer must consult a local lawyer.

To practise temporarily in another province or territory without a permit, a visiting lawyer must have professional liability insurance and defalcation coverage that is reasonably comparable in amount and substance to that in the host jurisdiction, and the coverage must extend to the lawyer's practice in that jurisdiction. A lawyer who has a criminal or discipline record, or has such proceedings pending, or who is subject to practice restrictions or conditions in any jurisdiction must apply for an interjurisdictional practice permit.

A lawyer planning to practise in another province should check the local requirements for doing so. The new B.C. rules governing interjurisdictional practice are set out in the *Member's Manual* amendment package enclosed in this mailing, and are also posted in the Resource Library section of the Law Society website at www.lawsociety.bc.ca. The Alberta rules can be found in the Resource Library

section of www.lawsocietyalberta.com and the Manitoba rules at www.lawsociety.mb.ca/inter_juris.htm. The new Saskatchewan rules are not yet posted and lawyers may wish to check with the Saskatchewan Law Society office for more information.

B.C. in-house counsel who plan to work in another western province should note that in-house lawyers in Saskatchewan and Manitoba — unlike in B.C. and Alberta — are required to be insured. A B.C. in-house counsel planning to work in Saskatchewan or Manitoba should contact the law societies in those provinces for a waiver of this requirement.

The recent move to liberalize lawyer mobility rules was spurred by a joint task force of the four law societies of Western Canada. As barriers to mobility fall, B.C. has joined discussions over a possible national database to assist law societies, when needed, to identify visiting lawyers in their jurisdictions. Another joint initiative of the western law societies — through the Education Task Force — is to coordinate efforts in a comprehensive review of legal education programs — both bar admission and continuing education. □

Ethics Committee to review lawyers' participation in First Canadian Title "Home Closing Services Program"

The Law Society has received a number of questions from B.C. lawyers relating to the First Canadian Title Home Closing Services Program. It appears that, under the program, First Canadian Title introduces selected lawyers to prospective clients who require representation in real estate transactions. To participate, lawyers must agree to follow certain procedures and to charge fees stipulated by First Canadian.

The Law Society is currently examining several aspects of this program. At its September meeting, the Ethics Committee will consider a number of professional conduct issues that arise from lawyers' participation in this program

— including whether the representation is independent and whether it involves lawyers in fee splitting. Lawyers who would like to make any comments concerning this program should contact:

Jack Olsen, Staff Lawyer – Ethics
Law Society of British Columbia
8th Floor, 845 Cambie Street
Vancouver, B.C. V6B 4Z9

Telephone (604) 443-5711
Fax (604) 646-5902
E-mail: jolsen@lsbc.org □

Broader range of non-lawyer staff can be reflected in marketing materials

Lawyers can now list on letterhead or in any other marketing activity a broader range of their law firm staff, provided it is clear they cannot practise law. This gives firms greater flexibility, while ensuring the public is not misled as to who is or is not a lawyer in the firm, or as to who can practise law.

Chapter 14, Rule 10 of the *Professional Conduct Handbook* previously allowed lawyers to list on marketing materials *only* specified employees — retired and non-practising members, articled students, legal assistants, registered patent agents and practitioners of foreign law — thereby precluding others, such as accountants, technology staff, marketing staff or business managers.

Since the rule was unnecessarily restrictive and inconsistent with the way in which firms carry on business, it has been revised. The rule, included in the enclosed *Member's Manual* amendment package, now reads:

A lawyer must not list a person not entitled to practise law in British Columbia on any letterhead or in any other marketing activity without making it clear in the marketing activity that the person is not entitled to practise law in British Columbia.

In particular, a person who fits one or more of the following descriptions must not be listed without an appropriate indication of the person's status:

- (a) a retired member,

- (a.1) a non-practising member,
- (b) a deceased member,
- (c) an articled student,
- (d) a legal assistant,
- (e) a patent agent, if registered as such under the *Trade-marks Act*, or
- (f) a practitioner of foreign law, if that person holds a valid permit issued under Law Society Rule 2-18.□

Law firm business cards, letterhead and other marketing materials can feature any of the firm's non-lawyer employees, provided their status as non-lawyers is clear.



Amendment to Chapter 6, Professional Conduct Handbook

Lawyers can act for one client against another client in limited circumstances

Chapter 6 of the *Professional Conduct Handbook*, which sets out as a general principle the duty of a lawyer to give undivided loyalty to a client, has been amended to allow for representation of a client whose interests are adverse to those of another client in some situations.

For a lawyer to represent a client in acting against the interests of another client:

- both clients must be informed of, and consent to, the representation,
- the matters must be substantially unrelated and
- the lawyer must not possess confidential information arising from the representation of one client that might reasonably affect the other representation: *see Rule 6.3.*

A lawyer may sometimes infer client consent from the circumstances, such as where a client (typically a large institutional client) commonly permits lawyers who have acted for that client on one matter to act against the client on separate matters. This practice is customary for such

institutional clients as ICBC and other large corporations, and for the Crown and organizations such as the Law Society.

Provided all criteria are followed, it is in the public interest for a lawyer to have scope to act for individual members of the public against such institutional clients since this gives individuals broader choice and flexibility in retaining counsel: *see Rule 6.4.*

Rule 7 of Chapter 6, which already allowed a lawyer to act for a client with interests adverse to those of a former client, has now been amended to track the language of Rule 6.3 in some respects. Such a representation requires *either* that the former client consent or that the new representation is substantially unrelated to the representation of the former client and that the lawyer does not possess confidential information from his or her representation of the former client that might reasonably affect the new representation.

The Benchers decided that requiring matters to be “wholly

continued on page 8

Marketing by limited liability partnerships from outside B.C.

Chapter 14 of the *Professional Conduct Handbook* (Ethics Committee: July, 2001)

Limited liability partnerships (“LLPs”) are permitted under Ontario law, but not under the law of British Columbia. A number of inter-jurisdictional law firms operating in B.C. are now registered as LLPs in Ontario.

In the opinion of the Ethics Committee, use of the term LLP by law firms in marketing materials without further explanation has the potential to mislead consumers of legal services in British Columbia. A law firm that is a limited liability partnership in another jurisdiction should indicate in any marketing materials that the LLP is from that other jurisdiction.

In the Committee’s view, the use of terms such as “LLP (Ontario),” or “A Limited Liability Partnership under the laws of Ontario” in marketing materials to indicate that LLP is not a British Columbia designation is adequate notice to the public of the significance of the use of LLP.

Off-site and independent contractors working for law firms

Chapters 5 and 12 of the *Professional Conduct Handbook* (Ethics Committee: March, 2001)

The Ethics Committee has considered questions arising out of situations where lawyers permit employees to work away from the office or where they engage independent contractors.

Are there any special guidelines that apply to employees working at home, particularly with respect to confidentiality? Should employees be allowed to take files out of the office?

The Committee notes that a lawyer’s responsibility for employees is set out in Chapter 12 of the *Professional Conduct Handbook* and that Rule 1 requires the lawyer to assume complete responsibility for all matters entrusted to the lawyer.

It is the Committee’s opinion that a lawyer may permit an employee to do work out of the office, provided the

lawyer is satisfied that client confidences will not be compromised as a result. In determining whether a lawyer can fulfil obligations of confidentiality in these circumstances, the lawyer must have regard to, among other things, the trustworthiness of the employee, the nature and sensitivity of the information the employee will be taking away from the office, the environment in which the employee will be working and the security that can be accorded to the information when it is out of the office.

Does it make any difference if an employee has more than one employer for whom he or she works?

In the opinion of the Committee, a lawyer may employ a non-lawyer who also works at another law firm. However, in addition to the ordinary obligations of confidentiality, lawyers who share the services of such an employee with another firm must also exercise due diligence to ensure that the employee does not disclose the other firm’s confidential information to them.

In giving this opinion, the Committee does not suggest that it would be proper for such an employee to work on matters for clients adverse in interest to each other who have retained different law firms.

Does the Committee have any guidelines for lawyers who subcontract certain jobs, such as large photocopying jobs, to off-site service providers?

The Committee approves of American Bar Association Opinion 95-398, which specifically recognizes that a law firm may use a computer maintenance company that has access to the firm’s client files. The Committee notes that Opinion 95-398 recognizes that law firms now use outside agencies for numerous functions, such as accounting, data processing and storage, printing, photocopying, computer servicing and paper disposal, and that it is proper practice to do so.

It is the Committee’s view that, although lawyers who use the services of outside contractors do not breach their obligations of confidentiality by doing so, they must use due diligence to ensure that the information remains confidential. The due diligence required must take account of all the circumstances, but would usually include, at a minimum, giving a contractor written notice of the requirement to preserve confidentiality. □

Recent unauthorized practice actions

The Law Society recently obtained undertakings and covenants from the following people and businesses not to engage in unauthorized practice:

[REDACTED]

[REDACTED]

Questions and Answers

♪ *Now, flip, flop, and fly, I don't care if I die*

Now, flip, flop, and fly, I don't care if I die

Don't ever leave me, don't ever say goodbye ...♪

Words and music by Charles E. Calhoun & Lou Willie Turner, recorded by the Downchild Blues Band.

How does an independent contractor bill a firm? (clarification)

In my June column, I answered a question from an independent associate counsel who was paid a percentage of the paid billings from the files on which the lawyer had worked. The question was whether or not this associate was required to bill the firm for PST and GST on the associate's accounts.

In my answer I stated that the lawyer was required to bill both PST and GST. This answer is correct where associate counsel is working for several firms. However, if an independent counsel is working exclusively for one firm under a contract for services, he or she is not required to bill the firm for PST under Regulation 40/94 pursuant to the *Social Services Tax Act*. Section 8.2 of Regulation 40/94 provides as follows:

8.2 Legal services provided to a law firm or notary firm by a lawyer or notary who is employed exclusively by the firm under a contract for services or as an associate counsel, but who is not an employee for purposes of the *Income Tax Act* (Canada), are exempt from tax under section 2.012 or 2.013 of the *Act* if the purchase price to the firm for the legal services is recovered directly by the firm in its sale price of the legal services to the firm's client in respect of whom the legal services were provided.

The associate is still required to bill for GST regardless of whether he or she is working exclusively for one firm or for many firms. My apologies for any resulting confusion. Many thanks to Douglas MacAdams, John Annesley and Clark M. Roberts and any others who drew my attention to this distinction.

* * *

When is GST not billable to the Legal Services Society?

Question: I have heard that we do not have to charge GST when billing the Legal Services Society after our billable time on a file exceeds \$50,000. Is this true?

Answer: According to the Legal Services Society, GST is billable on the LSS tariff, but not PST. Once a criminal trial has reached \$50,000 in fees (after the LSS 10% holdback), funding is then done by way of a Rowbotham application with accounts then being paid by the Attorney General.

The Practice Management Advisor



David J. (Dave) Bilinsky is the Society's Practice Management Advisor. His focus is to develop educational programs and materials to increase lawyers' efficiency, effectiveness and personal satisfaction in the practice of law with a special emphasis on technology.

His preferred way to be reached is by email to: dbilinsky@lsbc.org (no telephone tag). Alternatively, you can call him at the Law Society office at (604) 605-5331 or toll-free in B.C. 1-800-903-5300, or address mail to:

The Law Society of B.C.
8th Floor – 845 Cambie Street
Vancouver, B.C. V6B 4Z9
FAX: (604) 646-5902.

The Legal Services Society reviews the accounts submitted to the A.G. to ensure that they have been billed in accordance with the LSS tariff rates and criteria and submits its opinion to the A.G.'s office. However, the Attorney General's office does not reimburse GST, but does reimburse PST.

To summarize, at the outset a lawyer will be billing Legal Services for GST but not PST. Once billable fees on a criminal file exceed \$50,000, a firm then bills PST but not GST. For further information contact Corinne Biscaro at the Legal Services Society by telephone at (604) 601-6157 or by email to corinne.biscaro@lss.bc.ca.

* * *

Can a bank take funds directly from a lawyer's trust account for a wire transfer?

Question: I have to wire a large amount of money from my trust account to a client in Australia. The bank wants to take the funds from my trust account and do the wire transfer. Is this proper?

Answer: Law Society Rule 3-56(2) makes it clear that, at this time, all withdrawals from a trust account (pooled or general) must occur by way of a cheque.

In this instance, draw the cheque payable to your bank. Have a written letter signed by the responsible lawyer accompany this cheque to direct the bank to wire these funds to the client care of the client's bank, and reference the client's bank account number. Place a record of this letter in the client's file and note the transaction in the trust records. Fax or email a copy of this letter to the client for the client's records.

Be mindful of the bank's service charges and direct the bank to debit those against your general (not trust) account. □

unrelated" was unnecessarily restrictive.

Chapter 6, as amended, is included in the enclosed *Member's Manual* amendment package and published on the Law Society website. The key provisions are set out below:

Acting against a current client

6.3 A lawyer must not represent a client for the purpose of acting against the interests of another client of the lawyer unless:

- (a) both clients are informed that the lawyer proposes to act for both clients and both consent, and
- (b) the matters are substantially unrelated and the lawyer does not possess confidential information arising from the representation of one client that might reasonably affect the other representation.

6.4 For the purposes of Rule 6.3, the consent of a client to the lawyer acting for another client adverse in interest may be inferred in the absence of contrary instructions if, in the reasonable belief of the

From the Supreme Court of B.C.

Draft guidelines for television coverage of court proceedings: submissions invited by October 1

Chief Justice Brenner of the B.C. Supreme Court is inviting submissions on "Draft Guidelines for Television Coverage of Court Proceedings," issued July 10, 2001 and available on the B.C. Superior Courts website at www.courts.gov.bc.ca/SC/Sc-main.htm.

The deadline for comments is **October 1, 2001**.

[*Note:* A "Policy on Television in the Courtroom," adopted March 9, 2001, and a press release from the Chief Justice of April 18, 2001, are also available on the website.]

* * *

Proposed family law procedures, effective January 1, 2002: comments invited by September 30

The Supreme Court has approved in principle procedures for dealing with family law cases throughout the province, effective January 1, 2002. These are a combination of the Vancouver Early Intervention Project and the New Westminster Family Program.

[*Note:* A Notice to the Profession from Chief Justice Brenner is enclosed in this mailing and the report on the proposed procedures is available on the Superior Courts website at www.courts.gov.bc.ca/SC/Sc-main.htm.]

lawyer, the client would consent in the matter in question because the client has

- (a) previously consented to the lawyer, or another lawyer, acting for another client adverse in interest,
- (b) commonly permitted a lawyer to act against the client while retaining the same lawyer in other matters to act on the client's behalf, or
- (c) consented, generally, to the lawyer acting for another client adverse in interest.

Acting against a former client

7. Subject to Rule 7.4, a lawyer must not represent a client for the purpose of acting against the interests of a former client of the lawyer unless:

- (a) the former client is informed that the lawyer proposes to act for a client adverse in interest to the former client and the former client consents to the new representation, or
- (b) the new representation is substantially unrelated to the lawyer's representation of the former client, and the lawyer does not possess confidential information arising from the representation of the former client that might reasonably affect the new representation. □

The deadline for comments is **September 30, 2001**.

* * *

Changes to chambers practice — filing window

(Practice direction – Chief Justice Brenner: July 3, 2001)

"This practice direction is made under Rule 51A (12) (f) of the Supreme Court Rules.

For applications referred to in Rule 51A (12), the applicant must file the Notice of Hearing and other documents set out in Rule 51A (3) and 51A (12) (f) within the following time limits:

- (a) if the documents are filed in the Vancouver, Victoria, New Westminster or Nanaimo registry, they must be filed between 9:00 a.m. on the second court day before, and noon on the day before, the date set for hearing;
- (b) if the documents are filed in any other registry, they must be filed between 9:00 a.m. on the day that is one week before the date set for hearing and noon on the day before the date set for hearing."

[*Note:* Both the Practice Direction "Changes to chambers practice" of April 19, 2001 and the above "Changes to chambers practice — filing window" can be accessed on the Superior Courts website at www.courts.gov.bc.ca/Sc/sc-pdir.htm.] □