



*Photo credit: Government Communications*

## CELEBRATING MAGNA CARTA

A celebration of the 800th anniversary of the sealing of Magna Carta was held on July 28, 2015 at Government House.

Speaking at the event were, pictured left to right: Alex Shorten, Canadian Bar Association, BC Branch (then) President; Hon. Suzanne Anton, QC, Attorney General and Minister of Justice; Dr. Claire Breay, Head of Ancient, Medieval and Early Modern Manuscripts, British Library; Hon. Judith Guichon, OBC, Lieutenant Governor; Hon. Thomas Cromwell, Justice of the Supreme Court of Canada; Hon. Robert Bauman, Chief Justice of BC; Kenneth Walker, QC, Law Society President.

## Lawyer survey regarding designated paralegals program

THE LAW SOCIETY is evaluating the designated paralegal program and will deploy a survey this fall to seek input on lawyers' experience with the program. The results will help to shape the program going forward.

Recognizing that the appearances of designated paralegals before a court would be subject to the court granting a right of audience, a Family Law Pilot Project was created in association with the courts through which designated paralegals were entitled to appear on limited scope family law matters in Supreme and Provincial

Courts. That pilot program ended in Supreme Court on December 31, 2014 and will end in Provincial Court on October 1, 2015. However, the balance of the designated paralegal program continues, and it is important to get lawyer input as to what is working with the program and what can be improved.

The survey will be available to lawyers who indicated on their annual practice declarations that they supervise designated paralegals. ❖

## Update on discussions with the Notaries Society

AT THEIR JULY meeting, the Benchers received further reports from the two working groups assigned to consider aspects of a possible regulatory merger between the Law Society and the Society of Notaries Public of BC. The working groups are examining educational and experiential requirements and issues of governance. The Benchers will continue their consideration of the possible merger at their September meeting. ❖

## In Brief

### DEADLINE EXTENDED ON MAGNA CARTA ESSAY CONTEST

The deadline for the secondary school essay contest has been extended to **December 31, 2015**, to ensure all students have adequate time to submit their entry.

The contest was launched in March 2015 to honour the 800th anniversary of Magna Carta and to support our strategic goal of raising public awareness of the importance of the rule of law and the proper administration of justice. The essay topic is *Magna Carta and its relevance to Canada in the 21st Century*. The winner will receive \$1,000 and be invited to an awards presentation in Vancouver; the runner-up will receive \$500.

For contest details, including eligibility criteria and submission guidelines, visit [www.lawsociety.bc.ca](http://www.lawsociety.bc.ca) and click on the highlight [Secondary school essay contest on the Magna Carta](#).

### QC NOMINATIONS

The Attorney General is now accepting nominations for Queen's Counsel. The nomination process will end on October 30, 2015.

More information, including the on-line application form and a consent form, is available on the Ministry of Justice website at [www.ag.gov.bc.ca/queens-counsel](http://www.ag.gov.bc.ca/queens-counsel).

Appointments are announced at the end of the year.

### JUDICIAL APPOINTMENTS

Justice **Gail M. Dickson** of the Supreme Court of BC was appointed a judge of the Court of Appeal of BC.

Justice **Lauri Ann Fenlon** of the Supreme Court of BC was appointed a judge of the Court of Appeal of BC to replace Justice **S.S. Stromberg-Stein** (Vancouver), who elected to become a supernumerary judge.

Justice **Gregory J. Fitch** of the Supreme Court of BC was appointed a judge of the Court of Appeal of BC.

Master and Registrar of Bankruptcies **Barbara M. Young** (Central Okanagan) was appointed a judge of the Supreme Court of BC to fill a new position created by Bill C-31.

**Valliammai (Valli) Chettiar** was appointed a judge of the Provincial Court in Surrey.

**Kathryn Ferriss** was appointed a judge of the Provincial Court in Surrey.

**Christine Lowe** was appointed a judge of the Provincial Court in Victoria.

**Jay Solomon** was appointed a judge of the Provincial Court in Abbotsford.

**Danny Sudeyko** was appointed a judge of the Provincial Court and will be assigned sitting duties out of the Office of the Chief Judge.



FROM THE LAW FOUNDATION OF BC

## Grantee profile: Courthouse Libraries BC

COURTHOUSE LIBRARIES BC (CLBC) is funded by the Law Foundation as the keystone of its mandate to "establish, operate and maintain law libraries in British Columbia." CLBC is also funded by the Law Society and receives support from the Ministry of Justice. Funding helps law libraries around the province maintain and keep current the wide array of databases and print materials that are necessary to the competent practice of law, and that BC's small firms — representing more than half of all lawyers in BC — are especially reliant upon. Continuing funding also supports CLBC's work to make legal information materials available and accessible to the general public.

CLBC continues to administer and maintain a print collection in thirty

courthouses throughout BC that can be used by lawyers and the public. At the same time, reliance on print resources is declining with the rise of new, more efficient digital tools to convey legal information. CLBC is committed to being a leader in this "digital shift" and continues to take on less traditional roles and projects.

CLBC offers training and guidance for the profession dealing with the proliferation of tools and ever-changing methods for finding legal information and managing knowledge online and in print. Lawyers earn CPD credits through free webinars, online video courses or group study kits at [www.courthouselibrary.ca/training.aspx](http://www.courthouselibrary.ca/training.aspx).

CLBC has also brought to life

collaborative new platforms for sharing and publishing legal information. The Lawyers Reading Room ([www.courthouselibrary.ca/ReadingRoom.aspx](http://www.courthouselibrary.ca/ReadingRoom.aspx)), available to BC lawyers and articulated students at their desktop, gives free access to thousands of legal texts and journals and specialized research tools.

For the public, the Clicklaw website ([www.clicklaw.bc.ca](http://www.clicklaw.bc.ca)), operated by CLBC, provides a window into the world of public legal education, information and assistance resources from dozens of BC organizations and agencies. Clicklaw Wikibooks ([wiki.clicklaw.bc.ca](http://wiki.clicklaw.bc.ca)) is a digital publishing platform used by legal organizations and lawyers, including People's Law School, the Canadian Bar Association,

BC Branch and several others, to publish "wikibooks" that can be read online or downloaded in a number of formats, and distributed to public libraries. These sites serve tens of thousands of people every month.

Information service remains a fundamental part of CLBC's day-to-day work. In

2014, the libraries answered over 42,000 questions from the public and the legal community, provided access to licensed legal databases and other word processing support to over 26,000 members of the public, and trained over 2,100 lawyers, students, paralegals, advocates and librarians on various topics.

CLBC works hard to provide the best services to the BC legal community that it can with existing resources. It does this through innovation, collaboration and the expertise of its staff in the domain of legal information. CLBC is currently working on a strategic plan that will guide its future work. ❖

## Law Firm Regulation Task Force to seek input from lawyers

THROUGHOUT 2015, THE Law Firm Regulation Task Force has been working to develop a framework for an innovative regulatory environment where law firms work together with the Law Society to manage issues proactively as they emerge, rather than waiting until they become disciplinary matters. The task force anticipates that it will be ready to consult with lawyers in the fall to gather their feedback on the proposed framework.

In contrast to the current complaint-driven discipline process, the task force anticipates that the implementation of policies and procedures to identify problems at the firm level could resolve issues before they lead to Law Society complaints. Early detection and management of issues will lead to more positive results for clients, lawyers and firms.

Law firm regulation is not meant to relieve the Law Society of its obligation to investigate complaints. Rather it arose from the recognition that some aspects of regulation transcend the responsibility of any individual lawyer. Firms conduct activities, such as accounting and advertising, that are part of the provision of legal services.

The task force is currently developing a "white paper" framework for law firm regulation, and plans to present it to lawyers throughout the province for input this fall. The proposal contemplates a framework for regulation of the activities of law firms that is not reliant on detailed rules and regulations. Rather, it anticipates that firms will be required to create systems for the management of firm activities, such as advertising, conflicts, limitation periods, accounting and supervision of employees.

The details of these systems will be left to be developed by firms and may be reviewed by the Law Society should concerns arise regarding compliance with the general requirements.

Among the issues the task force has been considering is how regulation of firms might apply to sole proprietors and small firms without increasing their administrative obligations. For example, the task force has been studying whether a sole practitioner should be considered to be a "law firm" and, if so, how to avoid the duplication of licensing a sole practitioner as

both a lawyer and as a firm.

The task force is also examining how to establish responsibilities for communication, both within law firms and between firms and the Law Society. One question under consideration is whether each regulated firm should have a designated contact person and, if so, the nature of that person's responsibility.

The task force is currently considering appropriate channels for lawyer feedback, which may include a request for written submissions and conversations with lawyers throughout the province. ❖

### WHAT'S HAPPENING IN OTHER JURISDICTIONS

The task force has assessed best practices in other jurisdictions to determine how regulators around the globe are responding to changes in the profession.

**Nova Scotia** is seen as leading the way on entity-based regulation in Canada. The Nova Scotia Barristers' Society has announced plans to shift its focus from regulating individual lawyers to regulating law firms and other organizations that employ lawyers. The society is considering moving away from a rules-based enforcement framework and instead holding organizations accountable to 10 broad principles.

In **Ontario**, the Law Society of Upper Canada is considering entity regulation in conjunction with the possible introduction of alternatives to traditional law-firm business structures. While the Law Society of BC is following that discussion with interest, law firm regulation in BC is not, at this time, being examined with that outcome in mind.

In **England**, the Solicitors Regulation Authority has adopted what it calls an "outcomes-based" approach. It examines a number of risk indicators and takes a "hands-off" approach to firms that are not identified as high risk.

In **Australia**, the Law Society of New South Wales has issued a set of expected outcomes and asks firms to assess their own performance against those broad principles.



## Striving toward equity and diversity

LAST SPRING ABOUT 200 people, including representatives from Vancouver law firms, Benchers and Law Society staff, met to learn about different kinds of bias and how they can affect the legal profession. It came as a surprise to most that subtle biases colour decisions we make every day, from whom we socialize with to which committees we volunteer for and when we decide to pursue an advancement opportunity. On a broader level, these same subtle biases can shape which applicants a firm decides to hire and who deserves to be promoted.

Biases, explicit and implicit, may help explain why many demographic groups continue to be under-represented in the legal profession. Despite considerable progress since the early days of the profession, barriers remain that deny equal access to women, Aboriginal people, visible

minorities and others.

Until recently, there was no way of quantifying the extent to which those barriers deny equal access to the profession. Starting in 2013, however, the Law Society added demographic questions to the annual practice declaration. While it is too early to use that data to track progress, the numbers establish a baseline against which future progress can be measured. As illustrated in the chart on page 9, clearly there is work to do.

The Law Society is actively working to overcome barriers of all kinds, drawing on the work of its Equity and Diversity Advisory Committee. Over the past year, the committee has been particularly active with programs aimed at addressing representation of women and the Aboriginal population in the legal profession.

### WOMEN LAWYERS: THE JUSTICIA PROJECT

The Justicia project is a voluntary program facilitated by the Law Society that promotes the retention and advancement of women lawyers in private practice. It has been active in BC since 2012 and is proceeding in two phases.

Phase one is directed at national firms with offices in BC, as well as large regional firms. All 17 firms that were approached to participate in phase one have appointed diversity officers, and they have been meeting regularly with the Law Society. The Justicia round table has been working to produce a set of model policies that can be adapted to fit the needs of any law firm. One set of policies was approved by the Benchers at the December 2014 Benchers meeting and is now available on the Law Society website (see the sidebar “Equity and diversity resources” on page 10).

Phase two of the Justicia project launches this fall and involves encouraging smaller firms to participate. Nicole Byres, QC, a partner at Miller Thomson LLP in Vancouver, is among the lawyers representing the 17 national firms at the Justicia round table. Having worked in private practice in Kamloops and Trail before joining Miller Thomson, she is familiar with the challenges faced by law firms, big and small.

Byres notes that, once it has completed its model policy documents, the challenge facing the Justicia project is to “make this a living, breathing tool,” and not just another set of documents to be compiled in a binder, never to be looked at again. For smaller firms, Byres suggests that might mean breaking the policies into smaller components: “We need to present those firms with a menu of options and let them pick the pieces that are relevant to them.”

Byres describes distinct challenges facing big and small firms. At larger firms, entrenched practices are hard to sway: “If you’re a partner in a firm of four lawyers, you have more say in the running of the firm,” she says. At a bigger firm, where a woman might be just one among hundreds of partners, “there are systemic issues with a world built to a model that you might not fit into.”