

Information

The Law Society
of British Columbia



Pro Bono Services

845 Cambie Street, Vancouver, BC, Canada V6B 4Z9
t 604.669.2533 | BC toll-free 1.800.903.5300
Membership 604.605.5311 | f 604.687.0135
TTY 604.443.5700
Email memberinfo@lsbc.org | lawsociety.bc.ca

Background

The Law Society of British Columbia (the “Law Society”) offers professional liability insurance to its members. The insurance is provided through the B.C. Lawyers’ Compulsory Professional Liability Insurance Policy (the “Policy”). Although lawyers in private practice must pay the annual insurance fee, lawyers who are not in private practice (retired, non-practising, or practising on an in-house basis) are exempt from this otherwise compulsory obligation.

This information sheet explains the coverage available under the Policy for lawyers interested in providing pro bono legal services. The information about the Policy is intended only as a guide, as the wording of the Policy governs any claim or potential claim arising. Please feel free to contact the Lawyers Insurance Fund with any questions regarding the Policy generally, or coverage for pro bono legal services.

Coverage under the Policy for pro bono legal services

Lawyers who pay the insurance fee enjoy coverage for any claims arising out of their provision of legal services, including legal services provided on a pro bono basis. In addition, the Policy extends coverage to certain pro bono legal services provided by lawyers who are members in good standing of the Law Society, but who do not pay the insurance fee. These lawyers enjoy coverage for claims arising out of their performance of “sanctioned services” (a defined term in the Policy).

Services are “sanctioned services” if:

1. they are provided by a lawyer to an individual solely through a pro bono legal services program;
2. they are not for the benefit of a person previously known to the lawyer, including a family member, friend or acquaintance; and
3. both the services and the program are approved by the Law Society.

If you are a lawyer interested in more information about the approved services and programs, including program contact information, please consult the “Approved Programs” section of Access Pro Bono Society of BC’s website (under “Resources”) at accessprobono.ca.

Although the Policy provides coverage for both pro bono legal services and “sanctioned services,” please note that there are other terms and conditions in the Policy that may limit that coverage. All lawyers will want to familiarize themselves with the Policy terms, and are reminded of their obligation under the Policy to report claims or potential claims promptly.

The consequences of a paid claim arising from a lawyer’s provision of “sanctioned services”

Generally, when the insurer makes an indemnity payment under the Policy - that is, pays a settlement or judgment on behalf of a lawyer - a number of consequences follow:

- the lawyer pays a deductible of \$5,000 (first paid claim) or \$10,000 (subsequent paid claims within three years of the report date of the first paid claim);
- the lawyer is surcharged \$1,000 per annum for five years, when they apply to renew their Practice Certificate, although the surcharge can’t exceed the amount paid in indemnity; and
- the lawyer loses eligibility for the part-time discount (lawyers who work only a certain number of hours per week on average receive a 50% discount in their insurance premium).

However, if a claim arises out of the lawyer’s provision of “sanctioned services,” these consequences will be waived. The waiver applies whether the lawyer has paid the insurance fee, or is enjoying coverage without payment. Lawyers who pay the annual insurance fee and are claiming the part-time discount need not include any of the hours spent engaged in sanctioned services in their calculation of hours for the part-time discount.

General information for lawyers who do not pay the annual insurance fee

Under the Rules, lawyers who do not pay the insurance fee are still permitted to provide pro bono legal services – defined as “the practice of law not performed for or in the expectation of a fee, gain or reward” – that do not meet the requirements for “sanctioned services.” Such lawyers are at liberty to, for example, provide free advice to a friend, or to a child’s daycare, but the lawyer (and, indirectly, the lawyer’s client) will not be protected by liability insurance.

Finally, please note that this extended insurance coverage under the Policy does not affect what a non-practising or retired lawyer is not permitted to do – for example, only practising lawyers are entitled to exercise the powers of a notary, take affidavits, or act as officers for the purpose of witnessing Land Title Office documents.