

### **PURPOSE AND CURRENCY OF LIST**

This list sets out notable updates from the Law Society of British Columbia meant to assist lawyers in observing their professional obligations. It is designed to be used with the CLIENT IDENTIFICATION AND VERIFICATION PROCEDURE (A-1) checklist, the CLIENT FILE OPENING & CLOSING (A-2) checklist, as well as the practice area-specific checklists. It is current to September 4, 2024.

### **LAW SOCIETY RULES**

- *Benchers elections.* Electronic voting is now the default process, the voting period is a minimum of one week, and the Executive Director may approve a lawyer's request to change voting districts (Rules 1-20(1) and (2), 1-25(5) and (6), 1-27, 1-27.1, 1-29, and 1-31 to 1-33) (July 2024).
- *Associate judges, family Law Mediators, and parenting Coordinators.* Updates have been made to reflect new terminology for Supreme Court masters, now known as associate judges (Rules 2-87(1) and (4) to (7), 3-36(1), and 3-37(1)); members of administrative tribunals may qualify to act as family law mediators or parenting coordinators (Rules 3-36(1) and 3-37(1)) (June 2024).
- *Virtual client verification.* Lawyers may verify a client's identity virtually, provided they use reliable technology to confirm that the individual's government-issued photo ID is genuine and confirm that the name and photo are those of the individual in the ID (Rules 3-102(2), (2.1), (3), and (3.1) and 3-104(5)) (March 2024).
- *Executive Committee.* When electing an appointed Bencher to the Executive Committee, all Benchers are eligible to vote if a second election is required to break a tie vote (Rule 1-41(11.1)) (March 2024).
- *Call ceremonies.* Participation in a call ceremony is optional (Rule 2-84(2), (2.1), (5), and (6)) (March 2024).
- *Motions adjudicator.* A lawyer need not be a Bencher to be designated a motions adjudicator (definition of "motions adjudicator") (December 2023).
- *Return to practice.* Effective January 1, 2024, the return to practice rules are updated to better balance the requirements with the impact on individuals, including increasing the "relevant period" from five to seven years (definition of "qualification examination" and Rules 2-5(2), 2-79(2), (5) and (6), 2-85(2), 2-88(1), 2-89(1) to (4) and (6), 2-90(4) and (5), 3-45(3) and Schedule 1 E.2) (December 2023).

### **CODE OF PROFESSIONAL CONDUCT FOR BRITISH COLUMBIA**

- *Remote execution of affidavits.* A new process is established for the remote execution of affidavits (Appendix A, rule 1, and commentary [12]) (July 2024).
- *Single-party Communications.* A minor amendment clarifies that the rule on single-party communications with a tribunal does not apply to mediations (rule 5.1-2.3, commentary [3]) (June 2024).

- *Technological competence.* New commentaries address the level of technological competence required of lawyers (rule 3.1-2, commentaries [4.1] and [4.2]) (March 2024).

### DISCIPLINE ADVISORIES

- *Client ID & Verification.* The Law Society Rules in Part 3, Division 11 (Rule 3-98 to 3-110) (the “CIV Rules”) require client identification, verification, source of money, and monitoring procedures to be followed when providing legal services. Compliance with these rules is required whether or not suspicious circumstances are present. The due diligence obligations set out in the CIV Rules reduce the risk of being used to facilitate dishonesty or illegal activity while providing legal services. These rules, along with *BC Code* rule 3.2-7 (Dishonesty, fraud by client) and Rule 3-58.1 (Trust account only for legal services), are a key part of the Law Society’s efforts to combat money laundering and terrorist financing. A breach of the CIV Rules may result in disciplinary action, including the imposition of an administrative penalty under Part 4, Division 6. Citations issued for breaches of the CIV Rules have resulted in findings of professional misconduct (*Re Wilson*, 2019 LSBC 25; *Re Huculak*, 2022 LSBC 26; *Re Guo*, 2023 LSBC 28). Review this [advisory](#) for more information (August 6, 2024).
- See the “[Discipline Advisories](#)” webpage to see additional advisories on conduct that may lead to discipline, with topics including: fixed fee arrangements; Rule 10-4 (security of records) reports; self-represented/unrepresented litigants; country/geographic risk; withdrawal under a contingency fee arrangement; securities fraud: micro-cap stocks; private lending; and lawyers are gatekeepers.

### OF NOTE

- *Client ID & Verification.* See the “Client ID & Verification” page for new anti-money laundering resources, including “Anti-Money Laundering Measures”, “The Law Society of BC–2024 update” (an online course to help lawyers comply with the Law Society’s rules regarding anti-money money laundering, the proper use of a trust account, cash transactions, and client identification and verification). Also see the “Top 10 tips” and [guidance for virtual verification](#) of your client’s identity using government-issued photo ID and technology.
- *Fraud prevention.* You should maintain an awareness of the scams that commonly target lawyers, including the cheque printing scam, the bad cheque scam, fraudulent changes in payment instructions (e.g., through the client’s email or a similar looking email address), value fraud, and fake law firms and lawyers. Be vigilant about client identification and verification, the source of money when there is a financial transaction, and the restrictions on cash. While criminals may target law firms at any time, keep in mind that cybercriminals like to target law firms during vacation periods. Implement appropriate supervision of your practice while away. For more information, see “[Top Ten Tips for Lawyers Supervising Staff](#)”; the *Benchers’ Bulletin* articles “Real estate transactions—know your client primer” (summer 2021), p. 12, “[Fraud 101 for lawyers](#)”, fall 2021 (p. 10), “Forming companies and other structures—managing the risk”, spring 2021, p. 8; “[Don’t let your guard down! Funds transfer frauds continue](#)” and “[Client ID & Verification](#)” on the [Law Society of British Columbia website](#); and the [Fraud Prevention](#) webpage on Lawyers Indemnity Fund website.

- *Anti-money laundering and terrorist financing online programs.* The Law Society of British Columbia and the Federation of Law Societies of Canada both have online anti-money laundering education programs for legal professionals. They are “Anti-Money Laundering Measures”, “The Law Society of BC–2024 update” (August 6, 2024), and “[Anti-Money Laundering and Terrorist Financing in the Canadian Legal Profession](#)” (April 2024). Both programs can be accessed through the “Client ID & Verification” webpage.
- *Professional responsibility and generative AI.* An increasing level of AI-generated materials are used in court proceedings. The ethical obligation to ensure the accuracy of materials that you submit to court is your responsibility. For further guidance, see the October 2023 “Guidance on Professional Responsibility and Generative AI” practice resource.
- *Professional responsibility for supervising staff.* See “Top Ten Tips for Lawyers Supervising Staff” to help ensure the integrity and professionalism of your practice and maintain effective supervision.
- *Bank holds on trust cheques, certified cheques, and bank drafts.* Financial institutions have placed holds on trust cheques, certified cheques, and bank drafts, which may pose issues with respect to a lawyer’s undertakings and closings. See the Law Society’s practice resources with tips to reduce this risk.
- *Using inclusive language.* The “[Guidance for Lawyers on Using Inclusive Language](#)” is intended to support lawyers in their use of inclusive language and was updated in June 2024.
- *Lawyer Well-Being Hub.* In order to help improve mental health and well-being in the legal profession, the Law Society has reorganized and expanded the resources available to legal professionals through the new Lawyer Well-Being Hub. The hub provides a central access point for supports to lawyers and their families, including easy-to-access resources, videos, and tools such as LifeSpeak. This digital wellness platform offers anonymous access to resources and content 24/7, including a library of short, digestible videos, live Q&A web chats with mental health experts, and blog posts. LifeSpeak’s short videos offer practical strategies and insights into mental well-being that can be immediately implemented into daily life. It also provides access to courses that can be claimed for CPD credit.
- *New resources available through the Advice Decision-Making Assistant.* Resources available through the Law Society’s Advice Decision-Making Assistant (“ADMA”) have been expanded. Each resource page has been updated to include a high-level summary to provide context at a glance, and new content provides legal professionals with more mental health support in the form of problem-solving tools. The new category “Tackling Challenges in Your Practice” suggests steps for proactively solving common challenges in legal practice and offers options for connecting with mentorship within the legal community. See also “Lawyer Well-Being” for new resources and recent improvements to ADMA’s interface.

## QUESTIONS

- Feel welcome to contact a Law Society Practice Advisor for ethics and practice management questions. Practice Advisors can be contacted by email at [practiceadvice@lsbc.org](mailto:practiceadvice@lsbc.org), by phone at 604.443.5797, or through booking an appointment in [Advice Decision-Making Assistant \(ADMA\)](#). For questions about trust accounting, including cash, contact Trust Assurance at [trustaccounting@lsbc.org](mailto:trustaccounting@lsbc.org) or 604.697.5810.