

Insurance

The Law Society requires every BC lawyer in private practice to purchase liability insurance for negligence claims. The minimum insurance allowed is \$1 million per occurrence and \$2 million in annual aggregate. Many lawyers also purchase excess insurance. The insurance program is financial protection for lawyers if they are liable for negligence and ensures that clients receive the compensation to which they are entitled.

Trust Protection Coverage

Since 1949, the Law Society has maintained a fund to compensate clients who suffer loss through a lawyer's misappropriation of trust funds. Although instances of misappropriation are rare, the legal profession believes clients who lose money because of the actions of a few dishonest lawyers should not suffer financial hardship. Lawyers value the public's trust and do not want to see the integrity and reputation of the profession stained by the dishonest actions of a few. It is for this reason that the Law Society provides compensation to people who lose money through a lawyer's misappropriation.

The Trust Protection Coverage program is funded by payments from all practising lawyers in BC.

Unauthorized practice

Because of the serious risk to the public when unqualified people provide legal services, the Law Society is responsible under the Legal Profession Act, not only for setting and upholding regulatory standards for lawyers, but for ensuring that unqualified people do not illegally offer or provide legal services or misrepresent themselves as lawyers.

The Society investigates complaints of unauthorized practice and takes the steps necessary to stop it. In most cases, the Law Society will explain to a non-lawyer who is engaged in unauthorized practice the restrictions that apply to the practice of law and will ask the person to refrain from the activity. If the person refuses, the Law Society has statutory authority to seek a court injunction.

Other law-related organizations

The Canadian Bar Association

A professional organization formed in 1896 to enhance the commercial and professional interests of members of the legal profession and to protect the independence of the judiciary and the bar.

The Legal Services Society

An independent organization established in 1979 under the *Legal Services Society Act* to provide legal aid in BC.

The Law Foundation of BC

A non-profit foundation created under the *Legal Profession Act* in 1969 to receive the interest on clients' funds held in lawyers' pooled trust accounts. The foundation distributes the money for legal aid, legal education, law reform, legal research and law libraries.

The Trial Lawyers Association of BC

Founded in 1980, the Trial Lawyers Association of BC is a non-profit society, comprised of plaintiffs' lawyers who work to strengthen and preserve laws that protect the rights of individuals.

The Continuing Legal Education Society of BC

Since 1976, the Continuing Legal Education Society has been a respected source of continuing professional education for lawyers and their support staff.

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For more information on the Law Society of BC, visit our website www.lawsociety.bc.ca.

The Law Society of British Columbia

Lawyers in British Columbia must be members of the Law Society of BC, an independent organization founded in 1869 and funded by dues paid by all members of the profession. The Society's primary mandate under the *Legal Profession Act* is to protect the public interest in the administration of justice. In fulfilling its regulatory duties, the Society is responsible for the licensing, professional conduct and discipline of the more than 10,000 lawyers in BC.

The Law Society
of British Columbia



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The Law Society of British Columbia
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The Law Society's mandate

The Law Society of BC is the governing body of the legal profession in BC. The primary duty of the Law Society, as set out in the *Legal Profession Act*, is to regulate the legal profession in the public interest.

The Law Society works to ensure that the public is well served by lawyers who are honourable, competent and independent. The Society accordingly sets and enforces educational, ethical and professional conduct standards for lawyers in BC.

A secondary duty authorized by the *Legal Profession Act* is the promotion of the legal profession's interests, but only when this does not derogate from the public interest.

The Law Society was founded in 1869 and was formally incorporated by provincial legislation in 1884.

Funding

The Law Society of BC is a statutory, non-profit society funded by dues paid by all lawyers in the province. The Law Society does not receive any funding from any level of government or from any other organization.

Governance and the public interest

The Law Society is governed by a board of 31 directors who are known as "Benches." Twenty-five of the Benches are elected by lawyers from among the profession and serve for two-year terms. The provincial government also appoints six non-lawyers as Benches to ensure the public interest is represented in all Law Society decisions. Lay Benches come from a variety of professions and backgrounds, including journalists, doctors, social workers, First Nations leaders, trade union officials and representatives from multicultural associations.

Admission to the profession

A person must be a member of the Law Society to call himself or herself a lawyer. To qualify for admission to the legal profession in BC, a person must first have a law degree from a Canadian university or a recognized foreign university. Universities generally require students to complete at least three years of an undergraduate program before law school.

After receiving a law degree, a prospective lawyer must then work as an articled student in a law firm for one year and attend the Law Society's 10-week Professional Legal Training Course.

The Law Society reviews the backgrounds of all applicants for admission to the legal profession to ensure they are properly educated, of good character and fit to practise law.

Lawyers from other Canadian provinces may practise in BC on a temporary basis, provided they meet the qualifications to do so.

Professional and ethical standards

A distinguishing feature of a profession is that, over many years, it has developed a comprehensive code of ethical standards its members must follow.

The professional and ethical standards for BC lawyers are contained in the *Legal Profession Act*, the Law Society Rules and the *Professional Conduct Handbook* as well as in court decisions and Law Society discipline decisions. Lawyers are committed to upholding these standards and the Law Society has the authority to discipline lawyers who violate them.

Complaints and discipline

The Law Society has authority to review the conduct and competence of all BC lawyers, including lawyers in private practice, legal aid lawyers, government lawyers and Crown prosecutors. The Law Society can also review the conduct of a lawyer outside the practice of law if the conduct reflects badly on the legal profession.

If investigation of a complaint reveals breaches of professional conduct rules or ethical standards, the Law Society's Discipline Committee has the authority to issue formal disciplinary charges against the lawyer. If a citation is authorized, the Law Society will hold a discipline hearing. These hearings are open to the public.

If found guilty of professional misconduct, incompetence or conduct unbecoming a member of the profession, a lawyer may be reprimanded, fined up to \$20,000, suspended from practice or, for very serious misconduct, disbarred. The discipline panel may also impose conditions of practice on the lawyer.

Discipline citations and decisions are posted on the Law Society's website.