

THE LAW SOCIETY OF BRITISH COLUMBIA 2015 REPORT ON PERFORMANCE



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Our Mandate

THE LAW SOCIETY OF BRITISH COLUMBIA REGULATES THE LEGAL PROFESSION IN BC, PROTECTING THE PUBLIC INTEREST IN THE ADMINISTRATION OF JUSTICE BY SETTING AND ENFORCING STANDARDS OF PROFESSIONAL CONDUCT FOR LAWYERS. WE ENSURE THE PUBLIC IS WELL SERVED BY LEGAL PROFESSIONALS WHO ARE HONOURABLE, COMPETENT AND INDEPENDENT. WE ALSO BRING A VOICE TO ISSUES AFFECTING THE JUSTICE SYSTEM AND THE DELIVERY OF LEGAL SERVICES.

CONTENTS

GOVERNANCE

President's Message 3

Strategic Plan Progress 5

Benchers 7

Committees and Task Forces 9

PERFORMANCE

CEO's Message 12

Key Performance Measures 14

STATISTICS

Complaints Results 18

Legal Profession in BC 19

CONTRIBUTORS

Hearing Panel Pools 22

Life Benchers 23

President's Message



Sometimes events can suddenly reshape our world and demand a quick response. Such was the impact of the findings of the Truth and Reconciliation Commission of Canada, and the Law Society responded quickly and decisively.

As I look back on 2015, I'm proud of the strides we made in furthering the Law Society's core goal of upholding and protecting the public interest in the administration of justice. We are constantly striving to ensure that all of our programs, systems and processes continue to support that goal as efficiently and effectively as possible, and we made significant strides on a number of fronts in 2015.

While we can plan ahead for anticipated developments, sometimes events can suddenly reshape our world and demand a quick response. Such was the impact of the findings of the Truth and Reconciliation Commission of Canada, and the Law Society responded quickly and decisively.

We had all anticipated the conclusion of the commissioned inquiry, but none of us could have expected the raw emotional power of the stories it revealed, or the extent to which Canada's justice system would be implicated in the commission's findings. The immediate response from the Benchers was to ensure all members understood the gravity of the commission's findings, by urging them to read the preliminary report. The Benchers also resolved to consult with members of the Aboriginal legal community to develop a strategic plan of action with tangible goals and specific steps toward reconciliation. Finally, the Benchers encouraged all BC lawyers to take education and training in areas relating to Aboriginal law.

Solutions won't come overnight, but developing a specific plan of action in consultation with Aboriginal leaders is already underway, and will be a top priority for the Law Society in the coming year.

One of the primary functions of the Law Society is to set a high standard of professional competence and to ensure that standard is met through a rigorous admissions program. Our current program has proven remarkably effective over the years, but increased mobility and the pace of technological change have placed growing pressure on admissions programs throughout Canada. Our program was due for a re-evaluation in light of these rapid changes in the world around us.

Our Lawyer Education Advisory Committee has surveyed students and recently called lawyers; met with law school deans, law firms and members of the profession; examined programs in other provinces and other countries; and met with the designer of the Prairie provinces' Centre for Professional Legal Education program.

President's Message *...continued*

Although the committee had not finalized its recommendations by the end of 2015, its year-end report summarized the primary findings of its research. The committee found widespread praise for our admission program, and I expect that the recommendations the committee presents to the Benchers in 2016 will result in a program that is every bit as valuable as our Professional Legal Training Course has been for the past 30 years.

Another core function of the Law Society is to maintain public confidence in lawyers through a regulatory system that upholds our high standards. Our current regulatory framework continues to serve us well, but we can't ignore the rapid pace of change in the profession and developments elsewhere in the world. Increased consolidation among big firms, the introduction of new business structures in some jurisdictions, and increasing demands on an already taxed tribunal system have all contributed to demands for increased efficiency and effectiveness in our regulatory systems.

The Law Society's Law Firm Regulation Task Force was created in late 2014, and made considerable progress last year. In a discussion paper issued at the end of 2015, it outlined how entity regulation will not only lighten the regulatory burden on individual lawyers, but has the potential to identify problems and correct them before they impact the public. The task force will be consulting with members throughout the province early in 2016 and will table its recommendations for a regulatory framework by the end of the year.

In 2015 the Law Society took a significant step toward becoming a leader in seeking ways to improve access to affordable legal representation with the creation of the Legal Aid Task Force. In addition to developing a principled vision concerning publicly funded legal aid, the task force will consider new ways for lawyers to deliver legal services through legal aid plans, and will coordinate with other organizations to more efficiently use and improve resources.

While debates over Trinity Western University's proposed law school did not dominate the Benchers' time in 2015 as they had in previous years, the issue slowly moved toward resolution, with the Supreme Court of British Columbia quashing the October 2014 Benchers decision not to approve the school. At the end of 2015 the Law Society was preparing an appeal, which is expected to be heard by the BC Court of Appeal in 2016.

I feel privileged to have taken part in the important initiatives that advanced the goals of the Law Society in 2015, and I want to thank the Benchers, our CEO Tim McGee, QC, and the staff for their support, guidance and hard work. As I return to devoting my energies full-time to my practice in Kamloops, I look forward to watching the strategies set in place in 2015 come to fruition in coming years.



Kenneth M. Walker, QC
President

Strategic Plan Progress

The Law Society's strategic plan focuses on issues directly aligned with our primary responsibility, under the *Legal Profession Act*, to protect the public interest in the administration of justice. The goals, strategies and initiatives set out in our three-year strategic plan are in addition to our core regulatory programs, such as discipline, credentials and practice standards. The overall operation of these programs is the foundation of the Law Society and is essential to fulfilling our mandate.

MORE INFORMATION

- 2015-2017 Law Society Strategic Plan

STRATEGIC GOAL 1: The public will have better access to justice

Increase the availability of legal service providers

At the close of 2014, the Legal Services Regulatory Framework Task Force had outlined seven areas of law in which new classes of legal service providers could be permitted to practise, and recommended that the Benchers seek a legislative amendment to permit the Law Society to establish new classes of legal service providers. Throughout 2015 there were discussions with the Attorney General and Ministry of Justice to that end.

Retention of women lawyers

The Equity and Diversity Advisory Committee, in collaboration with law firms participating in the Justicia Project, has completed recommendations for fostering business development, promoting leadership skills, and developing paths to partnership for women lawyers. A communications strategy has been developed to encourage the implementation of the recommendations in smaller firms and in regions around the province. This outreach will begin in January 2016.

Retention of Aboriginal lawyers

In 2015, the Equity and Diversity Advisory Committee revisited "Addressing Discriminatory Barriers Facing Aboriginal Law Students and Lawyers," a report published in 2000 to identify which recommendations have been implemented and which remain outstanding, and whether additional recommendations are required.

It will continue this work in 2016, and will reconsider the report's recommendations in light of the Truth and Reconciliation Commission's calls to action.

In 2015, the Aboriginal Scholarship was awarded to Darcy Lindberg, a graduate student in law at the University of Victoria. The scholarship aims to enhance the retention of Aboriginal lawyers by supporting the development of Indigenous leaders in the legal academic community.

Increase assistance to the public seeking legal services

In 2015 the Benchers created the Legal Aid Task Force to develop a principled vision concerning publicly funded legal aid and to consider ways it could promote and improve lawyer involvement in delivering legal services through legal aid plans. The task force will also coordinate with other organizations to more efficiently use and improve resources.

After evaluating the Manitoba Family Justice Program, the Access to Legal Services Advisory Committee proposed that instead of emulating that program, the Law Society consider providing funding for a proposal by Mediate BC to establish a roster of lawyers who would provide unbundled independent legal advice during family law mediations.

The Law Society continues to monitor activities concerning the development of Justice Access Centres, and will examine its role in connection with the advancement and support of such centres.

Strategic Plan Progress ...continued

STRATEGIC GOAL 2:

The Law Society will continue to be an innovative and effective professional regulatory body

Improve the admission, education and continuing competence of students and lawyers

A report with recommendations was prepared by the Lawyer Education Advisory Committee and was presented for information at the December meeting of the the Benchers. *[In March 2016 the Benchers approved the recommendations, including continuing the basic character of the articling requirement and continuing the basic character of the Professional Legal Training Course.]*

The Law Society monitored work by the Federation of Law Societies of Canada on National Admissions Standards and commented on a proposal concerning proposed national assessments.

Expand the options for the regulation of legal services

The Law Firm Regulation Task Force summarized its findings to date in a consultation brief published prior to conducting an online survey in late 2015. Task force members will travel to communities throughout the province to consult with the profession in early 2016.

The Law Society also continued discussions regarding the possibility of merging regulatory operations with the Society of Notaries Public, and created working

groups to examine (1) educational requirements for increased scope of practice for notaries (as proposed by notaries) and (2) governance issues that would arise in a merged organization.

Respond to the calls to action in the report of the Truth and Reconciliation Commission

The Benchers resolved to:

- seek opportunities to collaborate with Aboriginal groups and other organizations to further examine the recommendations and identify strategic priorities;
- embark upon the development of an action plan to facilitate the implementation of relevant recommendations;
- encourage all lawyers in British Columbia to take education and training in areas relating to Aboriginal law; and
- urge all lawyers in British Columbia to read the TRC report and to consider how they can better serve the Indigenous people of British Columbia.

Discussions began on how to implement this strategy and how to best engage in appropriate consultation with Aboriginal communities and representatives.

STRATEGIC GOAL 3:

The public will have greater confidence in the administration of justice and the rule of law

Increase public awareness of the importance of the rule of law and the proper administration of justice

The Rule of Law and Lawyer Independence Advisory Committee, in connection with the 800th anniversary of Magna Carta, held an essay contest for high school students in 2015.

Enhance the Law Society voice on issues affecting the justice system

The Rule of Law and Lawyer Independence Advisory Committee obtained approval from the Benchers to identify timely topics relating to the rule of law and to publish public commentary, as appropriate. One such topic was the implications of government surveillance for lawyer-client confidentiality, and the committee submitted an article on the topic to the Advocate, which was subsequently published.

The committee was also involved in planning two successful public events in Vancouver and Victoria to commemorate the 800th anniversary of Magna Carta.

Benchers

The Benchers are responsible for the Law Society Rules, the *Code of Professional Conduct for British Columbia* and governance policies, and also govern and administer the affairs of the Society. Benchers serve two-year terms and can be re-elected or reappointed for a maximum of eight years. The president is the chief elected officer of the Law Society and serves a one-year term.



Row 1 (Front), Left To Right:

Peter B. Lloyd, FCPA, FCA
(Appointed Bencher)

Elizabeth Rowbotham
(Vancouver County)

FIRST VICE-PRESIDENT
E. David Crossin, QC
(Vancouver County)

PRESIDENT
Kenneth M. Walker, QC
(Kamloops District)

SECOND VICE-PRESIDENT
Herman Van Ommen, QC
(Vancouver County)

Miriam Kresivo, QC
(Vancouver County)

CEO
Timothy E. McGee, QC

Row 2, Left To Right:

Satwinder Bains
(Appointed Bencher)

Lee Ongman
(Cariboo County)

David W. Mossop, QC
(Vancouver County)

Pinder K. Cheema, QC
(Victoria County)

Tony Wilson
(Vancouver County)

Dean P. J. Lawton
(Victoria County)

Jeevyn Dhaliwal
(Vancouver County)

Sarah Westwood
(Prince Rupert County)

Nancy G. Merrill, QC
(Nanaimo County)

Row 3, Left To Right:

Craig A.B. Ferris, QC
(Vancouver County)

Sharon Matthews, QC
(Vancouver County)

Maria Morellato, QC
(Vancouver County)

Edmund Caissie
(Westminster County)

Martin Finch, QC
(Westminster County)

Philip Riddell
(Westminster County)

Row 4, Left To Right:

Jamie Maclaren
(Vancouver County)

Gregory A. Petrisor
(Cariboo County)

Tom Fellhauer
(Okanagan District)

Claude Richmond
(Appointed Bencher)

David Corey
(Appointed Bencher)

Lynal E. Doerksen
(Kootenay County)

Not Pictured

A. Cameron Ward
(Vancouver County)

Joseph Arvay, QC
(Vancouver County)

Haydn Acheson
(Appointed Bencher)

Benjamin Meisner*
(Appointed Bencher)

* The Law Society was saddened by the passing of Appointed Bencher Benjamin Meisner in April 2015.

Appointed Benchers

Public representation at the Bencher table is an integral part of ensuring the voice of the public is heard in the governance of the Law Society. To this end, the provincial government appoints six members of the public who are not lawyers, to serve as Law Society Benchers. Appointed Benchers participate fully in Bencher meetings, Law Society committees and task forces, and discipline and credentials hearings.

Following is a statement from the Appointed Benchers about the Law Society's 2015 operations:

In our view, 2015 marked several significant developments for the Law Society, perhaps none more so than the Benchers' response to the findings and recommendations of the Truth and Reconciliation Commission of Canada. The calls to action published by the commission promise to have a profound impact on all of Canada for years to come, and by confirming the Law Society's commitment to making those calls to action a priority, the Benchers ensured that the commission's findings will guide the work the Law Society undertakes in this area in 2016 and beyond.

The Benchers also ensured the Law Society's leading role in the province to finding ways to overcome barriers to access to justice by striking the Legal Aid Task Force. This task force promises to offer guidance and leadership by developing a principled vision and by engaging with other related organizations to coordinate resources.

The Appointed Benchers anticipate continuing to bring our unique perspectives to these and other issues in 2016.



Front, Left To Right:

Peter B. Lloyd, FCPA, FCA is retired as an office managing partner with Grant Thornton, a Canadian accounting and advisory firm.

Haydn Acheson is president and general manager of Coast Mountain Bus Company, TransLink's largest operating company.

Satwinder Bains is a professor at the University of the Fraser Valley and the director of the Centre for Indo-Canadian Studies.

David Corey is the executive officer of the Victoria Real Estate Board and a director of the Greater Victoria Development Agency.

Back, Left To Right:

Claude Richmond is a former Speaker of the legislative assembly and the former member of the legislative assembly for the Kamloops riding.

Benjimen Meisner had over 50 years of experience in the media working as a news reporter, writer and talk show host.*

* The Law Society was saddened by the passing of Appointed Bencher Benjimen Meisner in April 2015.

Committees and Task Forces



Lee Ongman
Chair
• Act and Rules Committee
• Practice Standards Committee



Peter B. Lloyd, FCPA, FCA
Chair
• Complainants' Review Committee
• Finance and Audit Committee



Claude Richmond
Chair
• Complainants' Review Committee



Lynal E. Doerksen
Chair
• Credentials Committee
• Unauthorized Practice Committee



Craig A.B. Ferris, QC
Chair
• Discipline Committee

Committees and task forces are comprised of Benchers and lawyers from various parts of BC, all of whom volunteer their time to the Law Society.

Committees

Act and Rules

Recommends amendments to the *Legal Profession Act* and Law Society Rules.

BENCHERS:
Lee Ongman (*Chair*)
Jeevyn Dhaliwal (*Vice-chair*)
Lynal E. Doerksen
Martin Finch, QC

Complainants' Review

Reviews complaint files of dissatisfied complainants where staff have closed the file with no further action.

BENCHERS:
Peter B. Lloyd, FCPA, FCA (*Chair January - May*)
Claude Richmond (*Chair May - December*)
David Corey (*Vice-chair*)
Edmund Caissie
Sarah Westwood

NON-BENCHERS:
Julie Lamb
Amrik Narang

Credentials

Oversees the enrolment, education, examination and call to the bar of articulated students, the transfer of lawyers to BC and the reinstatement of former lawyers.

BENCHERS:
Lynal E. Doerksen (*Chair*)
Pinder K. Cheema, QC (*Vice-chair*)
Satwinder Bains
Martin Finch, QC
Sharon Matthews, QC
Benjimen Meisner
David W. Mossop, QC
Philip Riddell
A. Cameron Ward

NON-BENCHER:
Grant Weaver

Discipline

Reviews opinions concerning lawyers or articulated students which are referred by Law Society staff, the Complainants' Review Committee or the Practice Standards Committee and determines appropriate disciplinary outcomes, if any.

BENCHERS:
Craig A.B. Ferris, QC (*Chair*)
Jeevyn Dhaliwal (*Vice-chair*)
E. David Crossin, QC
Miriam Kresivo, QC
Peter B. Lloyd, FCPA, FCA
Gregory A. Petrisor
Claude Richmond

NON-BENCHER:
Tracey Cohen

Ethics

Identifies current professional responsibility issues and makes recommendations on changes to the *Code of Professional Conduct* for British Columbia for consideration by the Benchers.

BENCHERS:
Herman Van Ommen, QC (*Chair*)
Elizabeth Rowbotham (*Vice-chair*)
Joseph Arvay, QC
David Corey
Thomas Fellhauer
Nancy G. Merrill, QC
Tony Wilson
Gavin Hume, QC, Life Bencher

NON-BENCHER:
Edward Montague

Executive

Assists the Benchers and the Executive Director in establishing relative priorities for the assignment of Law Society financial, staff and volunteer resources and planning Bencher meetings.

BENCHERS:
Keneth M. Walker, QC (*Chair*)
E. David Crossin, QC (*Vice-chair*)
Haydn Acheson
Miriam Kresivo, QC
Nancy G. Merrill, QC
Herman Van Ommen, QC
Tony Wilson

Finance and Audit

Provides oversight over the financial affairs of the Law Society, makes recommendations on annual fees, reviews annual budgets and periodically reviews financial and investment results. Oversees the external audit process and provides oversight over the internal controls and enterprise risk management of the Law Society.

BENCHERS:
Peter B. Lloyd, FCPA, FCA (*Chair*)
Miriam Kresivo, QC (*Vice-chair*)
E. David Crossin, QC
Thomas Fellhauer
Craig A.B. Ferris, QC
Maria Morellato, QC
Herman Van Ommen, QC

NON-BENCHERS:
Peter Kelly
Bill Maclagan, QC

Governance

Assesses the Law Society's current governance structure and practices to identify any areas for improvement.

BENCHERS:
Miriam Kresivo, QC (*Chair*)
Haydn Acheson (*Vice-chair*)
Pinder K. Cheema, QC
Sharon Matthews, QC
Elizabeth Rowbotham
Herman Van Ommen, QC

Committees and Task Forces



Herman Van Ommen, QC

Chair

- Ethics Committee
- Law Firm Regulation Task Force



Ken Walker, QC

Chair

- Executive Committee
- Appointments Subcommittee
- Litigation Subcommittee
- Tribunal Program Review Task Force



Miriam Kresivo, QC

Chair

- Governance Committee



Philip Riddell

Chair

- Access to Legal Services Advisory Committee



A. Cameron Ward

Chair

- Equity and Diversity Advisory Committee

Practice Standards

Reviews information about lawyers who may have competency-related problems and, when appropriate, orders investigations.

BENCHERS:

Lee Ongman (*Chair*)
Maria Morellato, QC (*Vice-chair*)
Haydn Acheson
Edmund Caissie
Dean P.J. Lawton
Jamie Maclaren
Sarah Westwood

NON-BENCHER:

Mark Skorah, QC

Unauthorized Practice

Considers and makes policy decisions with respect to the unauthorized practice of law and the relevant provisions of the *Legal Profession Act*.

BENCHERS:

Lynal E. Doerksen (*Chair*)
Thomas Fellhauer (*Vice-chair*)
Benjimen Meisner
Philip Riddell
Elizabeth Rowbotham
Tony Wilson

NON-BENCHER:

Margaret Sasges, QC

Subcommittees

Appointments

Provides advice and guidance to the Executive Committee, the Benchers and the President for managing the Law Society's appointment of directors and governors to the boards of more than 20 organizations.

BENCHERS:

Keneth M. Walker, QC (*Chair*)
E. David Crossin, QC
Nancy G. Merrill, QC
Herman Van Ommen, QC

Litigation

Provides guidance to staff on litigation matters and determines which matters should come before the Executive Committee.

BENCHERS:

Keneth M. Walker, QC (*Chair*)
E. David Crossin, QC
Herman Van Ommen, QC

Advisory Committees

Access to Legal Services

Monitors developments on issues affecting access to legal services and reports those developments to the Benchers.

BENCHERS:

Philip Riddell (*Chair*)
Nancy G. Merrill, QC (*Vice-chair*)
Joseph Arvay, QC
David W. Mossop, QC

NON-BENCHERS:

Lawrence Alexander
Claire E. Hunter
Raymond D. Phillips, QC

Equity and Diversity

Monitors developments on issues affecting equity and diversity in the legal profession and the justice system.

BENCHERS:

A. Cameron Ward (*Chair*)
Satwinder Bains (*Vice-chair*)
Jamie Maclaren
Sarah Westwood

NON-BENCHERS:

Linda Locke, QC
Daniele Poulin
Michelle Stanford
Elizabeth Vogt, QC

Lawyer Education

Monitors developments on issues affecting lawyer education in BC and reports to the Benchers about those developments.

BENCHERS:

Tony Wilson (*Chair*)
Maria Morellato, QC (*Vice-chair*)
Dean P.J. Lawton
Sharon Matthews, QC

NON-BENCHER:

Micah Rankin

Rule of Law and Lawyer Independence

Monitors issues and legislation affecting the rule of law and the independence and self-governance of the legal profession and reports on those matters to the Benchers.

BENCHERS:

E. David Crossin, QC (*Chair*)
Leon Getz, QC, Life Bencher (*Vice-chair*)
Craig A.B. Ferris, QC
Gregory A. Petrisor
Jan Lindsay, QC, Life Bencher

NON-BENCHER:

Jon Festinger, QC
Sandra E. Weafer

Task Forces

Family Law

Creates best practice guidelines for lawyers practising family law, in collaboration with the CBA, BC Branch, and develops the training requirements for lawyers acting as family law mediators, arbitrators and parenting coordinators.

BENCHERS:

Carol Hickman, QC, Life Bencher (*Chair*)
Nancy G. Merrill, QC
Lee Ongman
Gregory A. Petrisor
Kathryn Berge, QC, Life Bencher
Richard Stewart, QC, Life Bencher

Committees and Task Forces



Tony Wilson
Chair
• Lawyer Education Advisory Committee



E. David Crossin, QC
Chair
• Rule of Law and Lawyer Independence Advisory Committee



Carol Hickman, QC, Life Bencher
Chair
• Family Law Task Force



Nancy G. Merrill, QC
Chair
• Legal Aid Task Force



Art Vertlieb, QC, Life Bencher
Chair
• Legal Services Regulatory Framework Task Force

Task Forces ...continued

Law Firm Regulation

Recommends a framework for the regulation of law firms resulting from a 2012 amendment to the *Legal Profession Act* giving the Law Society authority to regulate law firms in addition to regulating individual lawyers.

BENCHERS:
Herman Van Ommen, QC (*Chair*)
Martin Finch, QC
Peter B. Lloyd, FCPA, FCA
Sharon Matthews, QC

NON-BENCHERS:
Jan Christiansen
Lori Mathison
Angela Westmacott, QC
Henry Wood, QC

Legal Aid

BENCHERS:
Nancy G. Merrill, QC (*Chair*)
Pinder K. Cheema, QC
Sarah Westwood
Richard Peck, QC, Life Bencher

NON-BENCHERS:
Tom Christensen
Hon. Lance Finch, QC
Janet Winteringham, QC

Legal Services Regulatory Framework

Develops a regulatory framework by which other existing providers of legal services, or new stand-alone groups who are neither lawyers nor notaries, could provide credentialed and regulated legal services in the public interest.

BENCHERS:
Art Vertlieb, QC, Life Bencher (*Chair*)
E. David Crossin, QC (*Vice-chair*)
Satwinder Bains
Jeevyn Dhaliwal
Lee Ongman

NON-BENCHERS:
Karey Brooks
Nancy Carter
Dean Crawford
Carmen Marolla
Wayne Robertson, QC
Ken Sherk

Tribunal Program Review

Reviews the progress of changes to the tribunal system implemented since 2011, recommends changes for the improvement of the system and correction of any problems, and identifies any further reforms that the Benchers should consider.

BENCHERS:
Keneth M. Walker, QC (*Chair*)
Haydn Acheson
Pinder K. Cheema, QC
David W. Mossop, QC

NON-BENCHERS:
David Layton
Linda Michaluk

Participation in the Federation of Law Societies of Canada

The Law Society of British Columbia works closely with the Federation of Law Societies of Canada, the national coordinating body of Canada's 14 provincial and territorial law societies.

In addition to appointing a Bencher to represent the Law Society on the the Federation's governing council, Law Society Benchers and staff participate in numerous Federation committees.

Gavin Hume, QC, Bencher

- Law Society of BC representative on the Council of the Federation of Law Societies of Canada, the governing body of the Federation responsible for the strategic direction and oversight of the organization

- chair, Standing Committee on the Model Code of Professional Conduct

Herman Van Ommen, QC, Bencher and Second Vice-President

- * National Requirement Review Committee

David Mossop, QC, Bencher

- Standing Committee on Access to Legal Services

Timothy E. McGee, QC, CEO and Executive Director

- Governance Review Committee
- Standing Committee on Access to Legal Services
- National Admission Standards Project Steering Committee

Alan Treleaven, Director, Education and Practice

- National Committee on Accreditation
- Canadian Common Law Program Approval Committee
- Governance Review Committee
- Standing Committee on Access to Legal Services
- National Admission Standards Project Steering Committee
- Mobility Policy Committee

Deborah Armour, Chief Legal Officer

- Standing Committee on National Discipline Standards

CEO's Message



The KPMs measure, for example satisfaction with our complaints-handling process and the value that students and articling principals attach to the training received in PLTC. I am pleased to report that in both those regulatory areas we met the respective KPMs and on some measures showed significant improvement.

What a difference a year makes. 2014 was dominated by the extraordinary events involving the Law Society and the proposed law school at Trinity Western University. With that matter before the courts in 2015, I would like to take this opportunity to highlight two specific regulatory areas where we experienced a significant surge in activity during the year.

The first is in our discipline and credentials adjudication function. There were a near-record number of hearing days logged by our discipline and credentials tribunals as well as increases in the number of reviews and appeals in 2015. This was largely the result of a trend we are seeing toward greater complexity in the cases under consideration. This shift is not unique to BC, but is also being experienced at other law societies across Canada. We believe part of the reason for this development in our jurisdiction is the use of more thorough and effective investigative techniques. The enhanced thoroughness of these processes is beneficial but also impacts resources. We experienced higher than average demand in 2015 for counsel work at all stages of our professional conduct function. To properly meet the demand in the short term, the Benchers approved an increased budget allocation for external counsel in 2016 and we embarked upon a detailed assessment of the optimum resourcing level as part of longer term planning.

We experienced increased demand of a different nature in 2015 in the Professional Legal Training Course (PLTC). In 2015 we enrolled more than 500 students in PLTC, the highest ever in the 31 years of the program. This was due to continuing strong enrolment of graduates from BC's three law schools, growing demand from lawyers transferring to BC from other provinces under the national mobility program, and graduates from other countries. The PLTC program continues to offer hands-on practical skills training and assessment over a 10-week curriculum. Our Lawyer Education Advisory Committee recently completed an in-depth program review of PLTC and rendered a strong positive endorsement. Our operational challenge and planning focus going forward will be to maintain this high quality bar admission training while accepting higher enrolments. An emphasis on innovation and effectiveness in teaching and assessment methodologies and techniques will be key success factors. In addition, we will continue to seek ways to harmonize our bar admission regime on a national level where it makes sense.

continued...

CEO's Message *...continued*

To gauge operational efficiency and effectiveness of our regulatory processes, the Benchers have established and monitor a set of key performance measures (KPMs). The KPMs measure, for example, the satisfaction with the timeliness, thoroughness and fairness of our complaints-handling process, and the value that students and articling principals attach to the training received in PLTC. I am pleased to report that notwithstanding the increased demands in both those regulatory areas, we met the respective KPMs and on some measures showed significant improvement year on year. In 2015, we reached an aggregate achievement rating on the KPMs for all regulatory functions of 87%. I would encourage you to read the full report on the KPMs covering all our regulatory activities set out in this 2015 Report on Performance.

Improving operational capacity and achieving our goals is a top priority for the entire management team. We are continually looking at ways to do this cost effectively and with high engagement from our staff. With this in mind we made a major commitment in 2015 to achieve a uniformly high level of computer and technological literacy through an organization-wide Skills Enrichment Program. We are investing in both core and customized training for all staff so that we take full advantage of the benefits of technology. In addition, 2015 saw the launch of our comprehensive Knowledge Management Program, which will greatly enhance our ability to capture and access the information integral to our regulatory mandate.

In 2015 the Benchers made several important decisions in furtherance of the goals set out in the Law Society's current three-year strategic plan. A full report on the initiatives under the strategic plan is set out in this 2015 Report on Performance and the initiatives are highlighted in the President's Message.

One of the most rewarding parts of my job as CEO is the opportunity to work with an engaged and talented staff who are strongly committed to our public interest mandate. In a rapidly changing world we strive to stay responsive and open to new ideas while being principled and deliberate in our decision-making. I would like to thank all of my colleagues for their efforts.

The Benchers and the hundreds of volunteers we engage for Law Society business deserve tremendous credit for their significant commitment of time and expertise. On behalf of all staff, I would like thank you for all you do. I would also like to specifically acknowledge and thank Ken Walker, QC, for his dedication, support and unfailing good nature as Law Society president in 2015.

I look forward to working with our new president, David Crossin, QC and all the Benchers and staff in 2016 in maintaining the highest standards for the regulation of the legal profession, all in the public interest.



Timothy E. McGee, QC
Chief Executive Officer

Executive Team

Timothy E. McGee, QC
Chief Executive Officer and Executive Director

Deborah Armour
Chief Legal Officer

Susan Forbes, QC
Director, Lawyers Insurance Fund

Jeffrey Hoskins, QC
Tribunal and Legislative Counsel

Jeanette McPhee
Chief Financial Officer/Director of Trust Regulation

Alan Treleaven
Director, Education and Practice

Adam Whitcombe
Chief Information and Planning Officer

Key Performance Measures

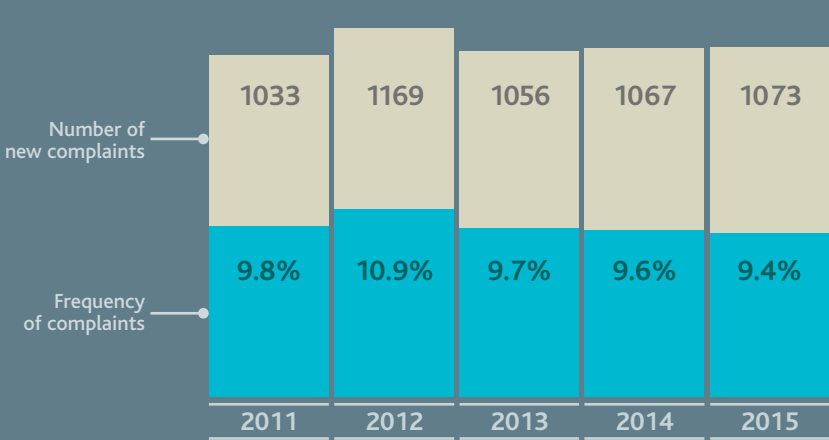
Key performance measures provide the Law Society with a means of objectively quantifying and demonstrating to the public how well we are fulfilling our mandate.

The majority of our goals were achieved this year. The key performance measures that did not meet our targets provide an opportunity to reassess and make improvements where necessary.

Bellwether Measures | The two bellwether measures are indicators of long-term trends that are important to our regulatory processes.

FREQUENCY OF COMPLAINTS

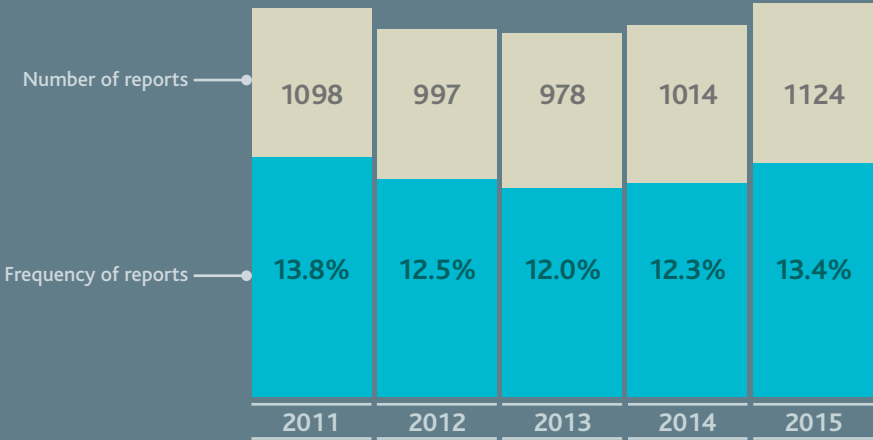
Measuring the frequency of complaints provides some indication of the extent to which proactive steps result in fewer complaints thereby protecting the public.



Frequency of complaints = the number of complaints about lawyers divided by the median number of practising lawyers.

FREQUENCY OF INSURANCE REPORTS

The frequency of insurance reports is some indication of the degree to which those in private practice recognize and report that the legal services delivered may have failed to meet acceptable standards.



Frequency of insurance reports = number of insurance reports divided by the median number of insured lawyers.

Key Performance Measures *...continued*

Professional Conduct and Discipline

CORE FUNCTION

Handle complaints about lawyers in a fair, effective and timely manner and maintain a regulatory process that is consistent, thorough and transparent.

PERFORMANCE RESULTS

84% of complainants were satisfied with timeliness in the handling of their complaints; and

77% would recommend the complaint process to someone else.

→ Exceeded our goals of 75 per cent and 60 per cent respectively

70% of complainants expressed satisfaction with the fairness of the process; and

74% expressed satisfaction with the thoroughness with which complaints were managed.

→ Surpassed the target of 65 per cent

93% of complainants were satisfied with the courtesy extended to them.

→ Exceeded the target of 90 per cent

MORE INFORMATION

- 2015 Complaints results
- Complaints and discipline process

Law Society Complainants' Review Committee and BC Ombudsperson

CORE FUNCTION

The Law Society Complainants' Review Committee and the BC Ombudsperson consider requests from people unhappy with their complaints about lawyers being dismissed by the Law Society following investigations.

In 2015, both of these oversight groups found the Law Society's complaint-handling processes and procedures appropriate.

ASSESSMENT RESULTS

43 complaints were considered by the Complainants' Review Committee. The committee closed 40 of those complaints without further action against the lawyer. The remaining complaints were referred to the Discipline Committee, resulting in no further action, a referral back to staff for further investigation, and one referral still pending.

→ Compared to 80 complaints in 2013

3 enquiries were received from the BC Ombudsperson concerning our complaint investigation process. Of those three files, one was closed and two remained open at the end of 2015.

→ Compared to seven enquiries received in 2014

MORE INFORMATION

- Complainants' Review Committee
- BC Ombudsperson

Admissions and Credentials

CORE FUNCTION

Ensure that new and transferring lawyers are properly qualified and of good character before practising law in BC and that current lawyers meet continuing professional development requirements.

PERFORMANCE RESULTS

91% of students achieved an initial pass in the Professional Legal Training Course.

→ Exceeded our goal of 85 per cent

3.7 The students' rating of the value of the Professional Legal Training Course on a five-point scale, where a rating of one was lowest and five was highest.

→ Exceeded our target of an average of 3.5 or higher

3.7 The articling principals' rating of the value of the Professional Legal Training Course.

→ Exceeded our target average of 3.5

4.1 The rating from articulated students on the preparatory value of the articling experience, based on a five-point scale, where a rating of one was lowest and five was highest.

4.1 The rating from articling principals on the preparatory value of the articling experience.

→ Both exceeded our target average of 3.5

MORE INFORMATION

- Professional Legal Training Course
- Articling program
- Admission to the profession
- Continuing Professional Development program

Key Performance Measures ...continued

Practice Standards

CORE FUNCTION

Conducting practice reviews of lawyers whose competence is in question and placing individual lawyers in remedial programs that are monitored for improvement. Providing online educational courses and practice management resources to the profession as a whole.

PERFORMANCE RESULTS

- 94%*** of the lawyers who completed their referral to the Practice Standards program demonstrated an improvement in competency; and
- 94%*** of the referrals were completed within the set efficiency performance indicator.

**The one lawyer who did not complete their referral at an efficiency rating of 3 or higher (out of 4) is no longer in practice.*

- Surpassed our goals of at least 66 per cent in both categories

- 90%** of lawyers, on average, surveyed on the effectiveness of the five online practice support resources rated the resources at three points or higher, based on a five-point scale where a rating of one was lowest and five was highest.

- Four of the five exceeded our 85% target, with only the online practice locum program below the target, at 75%

MORE INFORMATION

- Online Learning Centre

Practice Advice

CORE FUNCTION

Assist the legal profession to serve the public effectively by providing advice and support to lawyers on ethical and practice management issues.

PERFORMANCE RESULTS

- 89%** of lawyers surveyed to assess the effectiveness of the Practice Advice program rated the timeliness of the advice and the quality of the resources to which they were referred at three points or higher on a five-point scale.

- Below our target of 90 per cent

- 91%** of lawyers surveyed were satisfied with the quality of advice.

- Exceeded our 90 per cent objective

- 89%** of lawyers surveyed were satisfied overall with the program.

- Below our target of 90 per cent

MORE INFORMATION

- Practice Resources
- Practice Advisors
- Equity Ombudsperson

The Law Society also provides BC law firms with the services of Equity Ombudsperson Anne Bhanu Chopra. Lawyers, articulated students or other staff who may be experiencing harassment or inequity in a legal workplace may contact the Equity Ombudsperson for confidential support.

Custodianships

CORE FUNCTION

Ensure practice coverage, including providing cost-effective custodianships, when a lawyer cannot continue his or her practice due to illness, death or disciplinary action.

PERFORMANCE RESULTS

- 16** months to complete custodianships due to death or disability issues.

- Below the historical average of 24 months

- 42** months to complete custodianships arising from disciplinary action.

- Below the historical average of 48 months

- 88%** of clients surveyed were satisfied with the way their matters were handled by the custodian.

- Below our target of 90 per cent

MORE INFORMATION

- Succession planning
- Custodianships

Key Performance Measures *...continued*

Trust Assurance

CORE FUNCTION

Ensure that law firms comply with Law Society Rules regarding proper handling of clients' trust funds and trust accounting records.

PERFORMANCE RESULTS

8% of the lawyers audited were referred to Professional Conduct for further investigation.

→ Compared to nine per cent in 2014

7 financial suspensions were issued by the Trust Assurance program.

→ Compared to eight suspensions in 2014

91% of lawyers filed a self-report trust report, based on the last completed trust reporting year. The remaining lawyers were required to file an accountant's report.

→ Compared to 92 per cent the previous year

MORE INFORMATION

- Trust Assurance Program

Lawyers Insurance Fund

CORE FUNCTION

Ensure clients are reasonably compensated if a lawyer is negligent or misappropriates trust funds.

PERFORMANCE RESULTS

100% of meritorious insurance claims were settled with the consent of the claimant or paid after judgment, and no claimant sued the Lawyers Insurance Fund directly for compensation for an unrecovered loss.

98% of the lawyers represented by the Lawyers Insurance Fund gave the program high marks of four or five on a five-point scale.

→ Met the target of 90 per cent

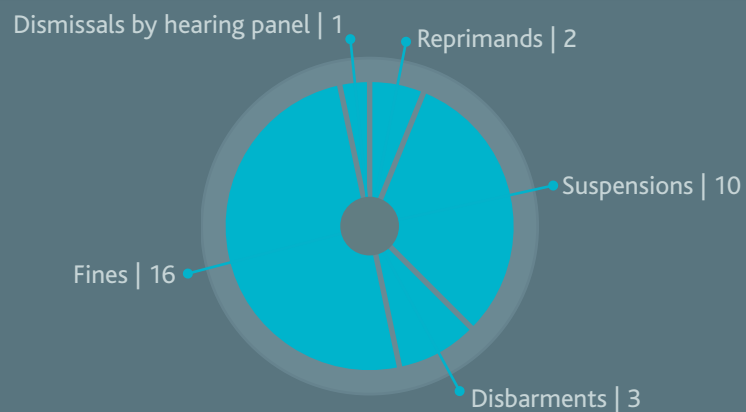
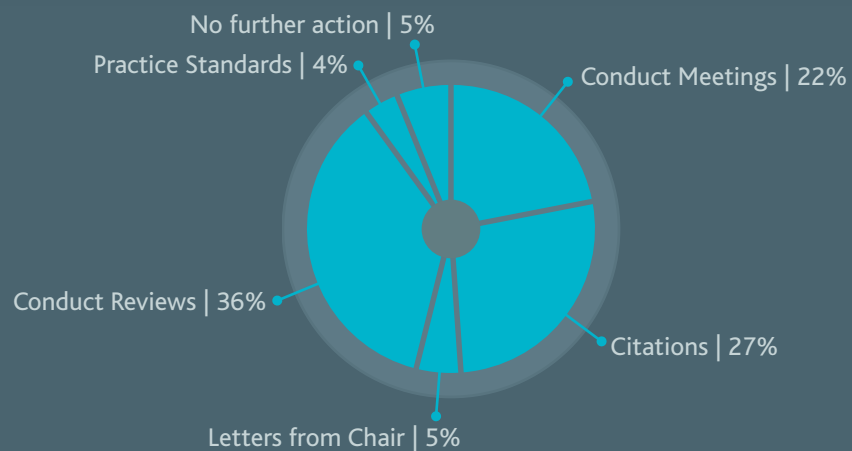
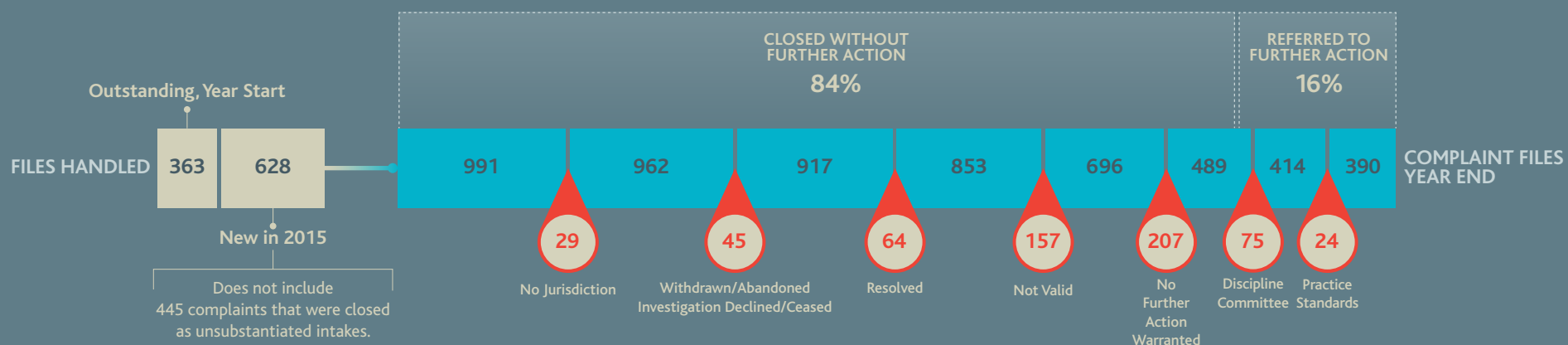
Third-party auditors found that "LIF's goal of resolving claims in a cost-effective manner, while balancing the interests of the insured lawyer, the claimant and the Law Society members, was clearly being met — or exceeded — by this collegial and passionate group."

MORE INFORMATION

- Lawyers Insurance Fund
- Professional liability and misappropriation insurance

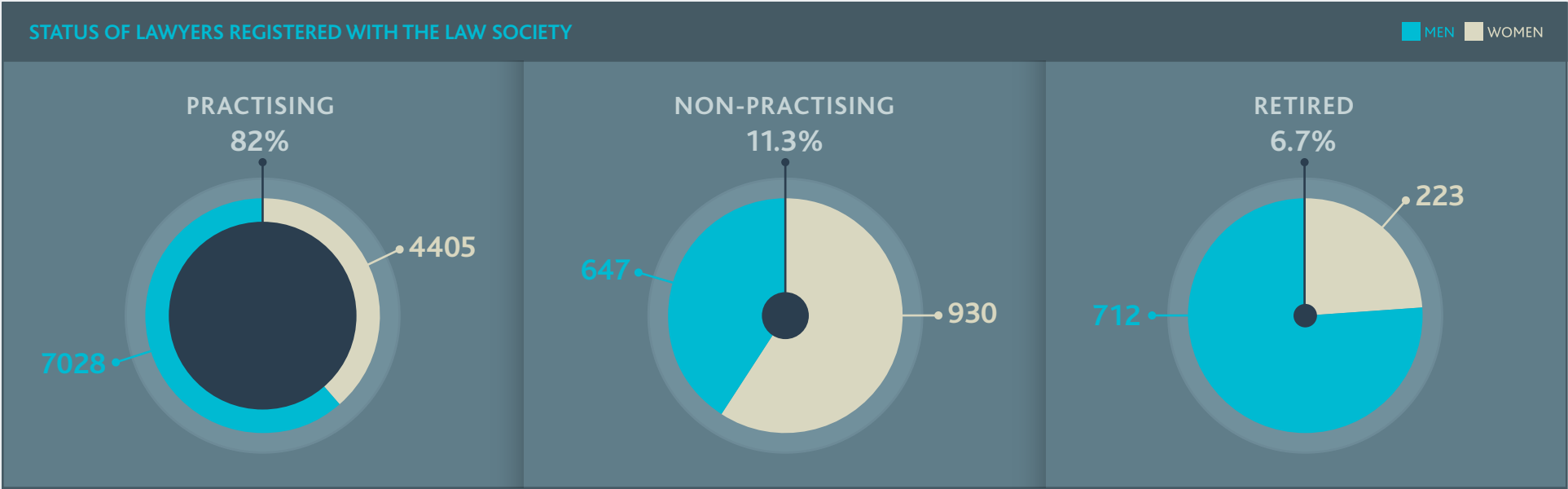
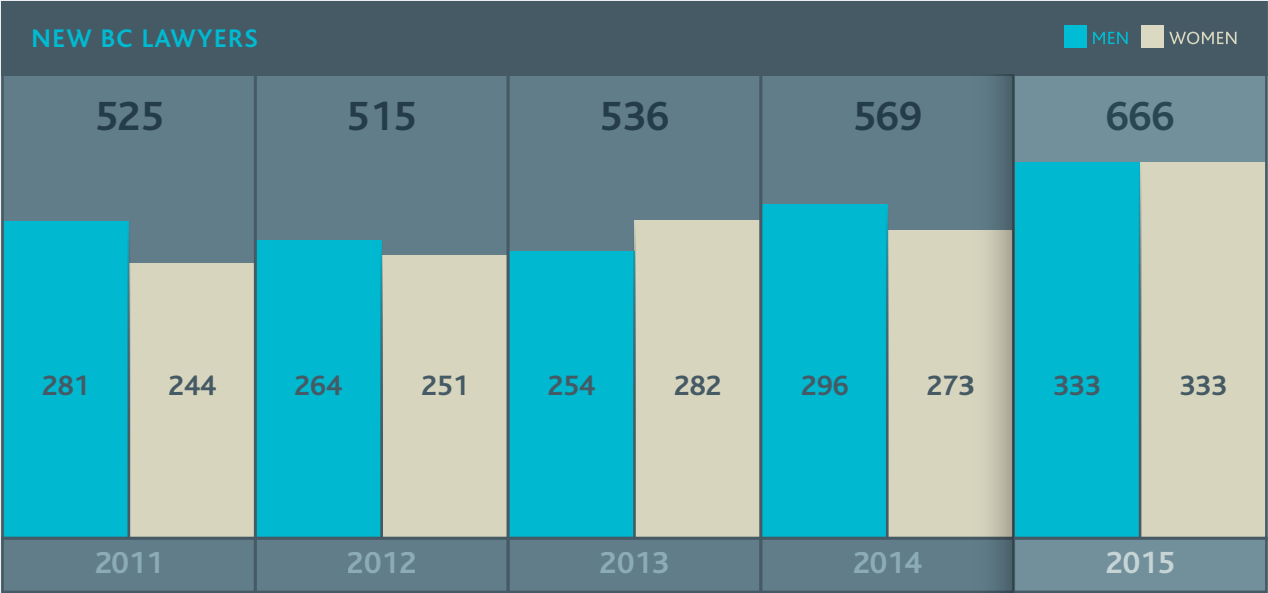
2015 Complaints Results

DISPOSITION OF COMPLAINTS

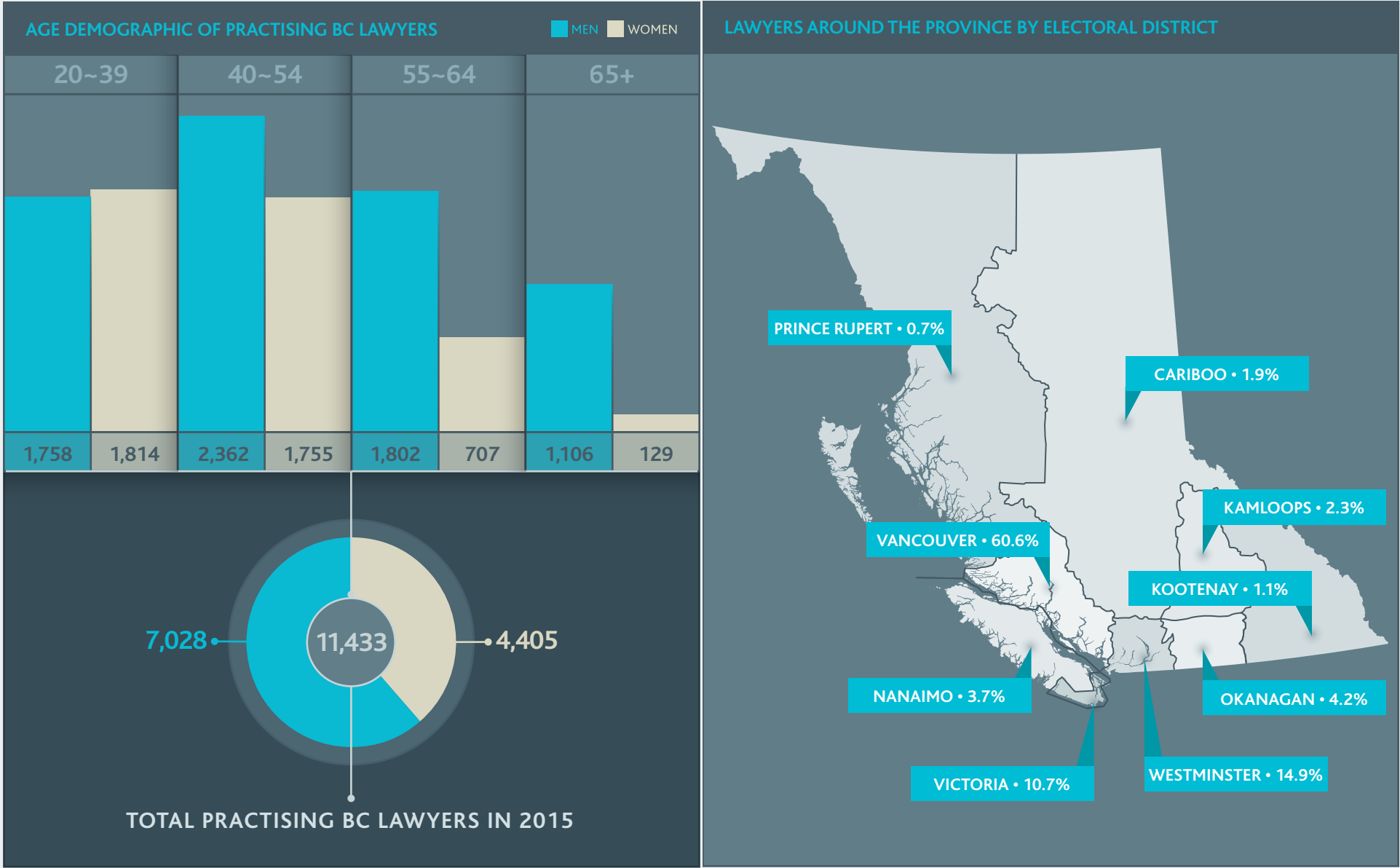


Legal Profession in BC

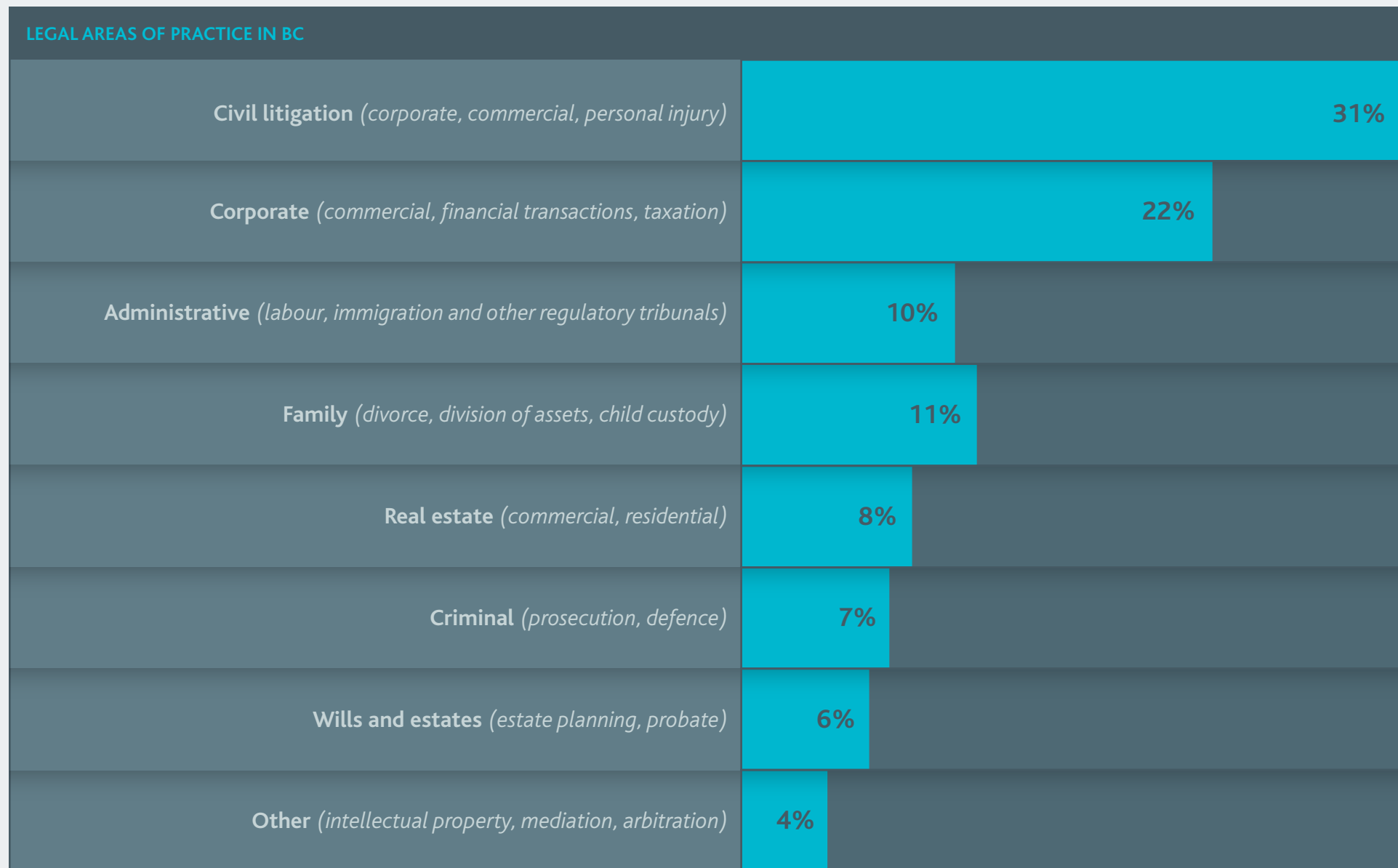
Our statistics show trends that may influence the delivery of legal services by BC lawyers in the future. Law Society programs such as Justicia and Aboriginal Lawyers Mentorship and the Rural Education and Access to Lawyers initiative (a joint contribution with the Canadian Bar Association, BC Branch) are designed to address disparities related to age, gender and geography.



Legal Profession in BC ...continued



Legal Profession in BC *...continued*



Hearing Panel Pools

The hearing panel pools demonstrate the Law Society's commitment to maintaining public confidence and transparency.

Lawyers and members of the public from around the province volunteer to be part of the Law Society's hearing panel pools. Panel members are selected, based on established criteria, from a public (non-lawyer) pool and a lawyer (non-Bencher) pool to help adjudicate all discipline and credentials hearings.

Members of the public

Donald Amos, *Sidney*
 Dr. Gail Bellward, *Vancouver*
 Glenys Blackadder, *Victoria*
 Paula Cayley, *Lions Bay*
 Dennis Day, *Langley*
 Adam Eneas, *Penticton*
 Jory Faibish, *Vancouver*
 Carol Gibson, *Vancouver*
 Dan Goodleaf, *Vancouver*
 J.S. "Woody" Hayes, *Duncan*
 Patrick Kelly, *Victoria*
 John Lane, *Cobble Hill*
 Linda Michaluk, *North Sannich*
 Laura Nashman, *Victoria*
 Lance Ollenberger, *Fort St. John*
 June Preston, *Victoria*
 Graeme Roberts, *Brentwood Bay*
 Lois Serwa, *Kelowna*
 Clayton Shultz, *White Rock*
 Thelma Siglos, *New Westminster*
 Robert Smith, *Surrey*

Non-Bencher lawyers

Jasmin Ahmad, *Vancouver*
 Ralston Alexander, QC, *Victoria*
 Joost Blom, QC, *Vancouver*
 James Dorsey, QC, *North Vancouver*
 William Everett, QC, *Vancouver*
 Carol W. Hickman, QC, *New Westminster*
 John Hogg, QC, *Kamloops*
 Gavin Hume, QC, *Vancouver*
 David Layton, *Vancouver*
 Bruce LeRose, QC, *Trail*
 Richard Lindsay, QC, *Vancouver*
 Shona Moore, QC, *Vancouver*
 Karen Nordlinger, QC, *Vancouver*
 Donald Silversides, QC, *Prince Rupert*
 William Sundhu, *Kamloops*
 John Waddell, QC, *Victoria*
 Brian J. Wallace, QC, *Victoria**
 Peter Warner, QC, *Peachland*
 Sandra Weafer, *Vancouver*

* The Law Society was saddened by the passing of Brian J. Wallace, QC in December 2015.

Life Benchers

Benchers who have volunteered for four terms or have served as president of the Law Society are recognized with the title Life Bencher.

The Honourable Peter J. Millward, QC	(1965-1975)	Trudi L. Brown, QC	(1992-1998)	June Preston, MSW	(2001-2008)
The Honourable Mary F. Southin, QC	(1971-1980)	Warren T. Wilson, QC	(1991-1999)	John J.L. Hunter, QC	(2002-2008)
Norman Severide, QC	(1975-1981)	The Honourable Ujjal Dosanjh, QC	(1995-2000)	Gordon Turriff, QC	(2002-2009)
H. Allan Hope, QC	(1974-1982)	Karl F. Warner, QC	(1994-2000)	Terence E. La Liberté, QC	(2000-2001, 2004-2009)
The Honourable Thomas R. Braidwood, QC	(1973-1975; 1979-1985)	Richard S. Margetts, QC	(1995-2001)	James D. Vilvang, QC	(2002-2009)
The Honourable Bruce I. Cohen, QC	(1978-1986)	Gerald J. Lecovin, QC	(1994-2001)	David A. Zacks, QC	(2002-2009)
Marvin R.V. Storrow, QC	(1980-1987)	Emily M. Reid, QC	(1994-2001)	The Honourable Judge William F.M. Jackson	(2003-2009)
R. Paul Beckmann, QC	(1980-1989)	Jane S. Shackell, QC	(1994-2001)	Patrick Kelly	(2002-2010)
Robert M. Dick, QC	(1983-1991)	Ann Howard	(1992-2002)	Dr. Maelor Vallance	(2002-2010)
The Honourable Mr. Justice Peter Leask	(1984-1992)	Marjorie Martin, MSW	(1992-2002)	G. Glen Ridgway, QC	(2002-2010)
Brian J. Wallace, QC*	(1985-1993)	Richard C. Gibbs, QC	(1996-2002)	Gavin Hume, QC	(2004-2011)
John M. Hogg, QC	(1984-1993)	Howard R. Berge, QC	(1992-2003)	Joost Blom, QC	(2004-2011)
P. Michael Bolton, QC	(1985-1993)	Russell S. Tretiak, QC	(1992-2003)	Carol W. Hickman, QC	(2004-2011)
The Honourable Mr. Justice Robert T.C. Johnston	(1986-1994)	Robert D. Diebolt, QC	(1996-2003)	Bruce A. LeRose, QC	(2004-2012)
The Honourable Mr. Justice Grant D. Burnyeat	(1988-1995)	G. Ronald Toews, QC	(1996-2003)	Art Vertlieb, QC	(2004-2013)
Donald A. Silversides, QC	(1984-1995)	Gerald J. Kambeitz, QC	(1996-2003)	Rita C. Andreone, QC	(2006-2013)
Gary L.F. Somers, QC	(1984-1995)	William J. Sullivan, QC	(1997-2003)	Kathryn Berge, QC	(2006-2013)
James M. MacIntyre, QC	(1986-1995)	Master Peter J. Keighley	(1996-2004)	Leon Getz, QC	(2006-2013)
Cecil O.D. Branson, QC*	(1988-1995)	William M. Everett, QC	(1998-2004)	Thelma O'Grady	(2006-2013)
Alan E. Vanderburgh, QC	(1989-1995)	Ralston S. Alexander, QC	(1999-2005)	David Renwick, QC	(2006-2013)
Karen F. Nordlinger, QC	(1988-1996)	Patricia L. Schmit, QC	(1998-2005)	Richard Stewart, QC	(2006-2013)
Richard C.C. Peck, QC	(1988-1997)	Master Robert W. McDiarmid	(1998-2006)	Jan Lindsay, QC	(2006-2014)
Leonard T. Doust, QC	(1990-1997)	Anna K. Fung, QC	(1998-2007)	Benjamin Meisner*	(2010-2015)
William M. Trotter, QC	(1990-1997)	Ian Donaldson, QC	(2000-2007)		

The dates in parentheses represent years of service as a Bencher.

*The Law Society was saddened by the passing of Brian J. Wallace, QC; Cecil O.D. Branson, QC; and Benjamin Meisner in 2015.