



Agenda

Benchers

Date: Friday, June 13, 2014

Time: **7:30 am** Continental breakfast
8:30 am Call to order

Location: Bencher Room, 9th Floor, Law Society Building

Recording: *Benchers, staff and guests should be aware that a digital audio recording is made at each Benchers meeting to ensure an accurate record of the proceedings.*

CONSENT AGENDA:

The Consent Agenda matters are proposed to be dealt with by unanimous consent and without debate. Benchers may seek clarification or ask questions without removing a matter from the consent agenda. Any Bencher may request that a consent agenda item be moved to the regular agenda by notifying the President or the Manager, Executive Support (Bill McIntosh) prior to the meeting.

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
1	Consent Agenda	1	President	Tab 1.1	Approval
	• Minutes of May 10, 2014 meeting (regular session)			Tab 1.2	Approval
	• Minutes of May 10, 2014 meeting (<i>in camera</i> session)			Tab 1.3	Approval
	• Rule 4-30 – Preliminary Matters				
DISCUSSION/DECISION					
2	Selection of Benchers' Nominee for 2015 Second Vice-President	5	President		Acclamation or Call for Election
3	Approval of National Discipline Standards	20	Chief Legal Officer	Tab 3	Approval



Agenda

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
GUEST PRESENTATIONS					
4	Canadian Legal Information Institute (CanLII) Update	30	Colin Lachance	Tab 4	Presentation
REPORTS					
5	President's Report	15	President	Oral report (update on key issues)	Briefing
6	CEO's Report	15	CEO	(To be circulated electronically before the meeting)	Briefing
7	Briefing by the Law Society's Member of the Federation Council	5	Gavin Hume, QC		Briefing
8	2012-2014 Strategic Plan Implementation Update	5	President/ CEO		Briefing
9	Report on Outstanding Hearing & Review Decisions	4	President	(To be circulated at the meeting)	Briefing
IN CAMERA					
10	<i>In camera</i> <ul style="list-style-type: none"> • Benchers concerns • Other business 	20	President/ CEO		Discussion/ Decision
11	Benchers Delegation			Tab 11	



Minutes

Benchers

Date: Saturday, May 10, 2014

Present:	<p>Jan Lindsay, QC, President Ken Walker, QC, 1st Vice-President David Crossin, QC, 2nd Vice-President Haydn Acheson Joseph Arvay, QC Satwinder Bains Pinder Cheema, QC David Corey Jeevyn Dhaliwal Lynam Doerksen Thomas Fellhauer Craig Ferris Martin Finch, QC Miriam Kresivo, QC Dean Lawton</p>	<p>Peter Lloyd, FCA Jamie Maclaren Ben Meisner Nancy Merrill Maria Morellato, QC David Mossop, QC Lee Ongman Greg Petrisor Claude Richmond Phil Riddell Elizabeth Rowbotham Herman Van Ommen, QC Cameron Ward Tony Wilson</p>
----------	--	--

Excused: Sharon Matthews, QC

Staff Present:	<p>Tim McGee, QC Deborah Armour Su Forbes, QC Jeffrey Hoskins, QC Michael Lucas</p>	<p>Bill McIntosh Jeanette McPhee Doug Munro Alan Treleaven Adam Whitcombe</p>
----------------	---	---

Guests: Marie-Claude Bélanger-Richard, QC President, Federation of Law Societies
Chief Judge Thomas Crabtree Provincial Court of British Columbia
Thomas G. Conway Treasurer, Law Society of Upper Canada
Jonathan G. Herman Chief Executive Officer, Federation of Law Societies
Gavin Hume, QC Law Society Member of the Council of the Federation of Law Societies of Canada
Margo Nightingale Vice-President, Law Society of the Northwest Territories
Tilly Pillay, QC First Vice-President, Nova Scotia Barristers' Society
Tom Schonhoffer, QC Executive Director, Law Society of Saskatchewan
Richard J. Scott, QC Council Member representing the Law Society of New Brunswick

CONSENT AGENDA

1. Minutes

a. Minutes

The minutes of the meeting held on April 11, 2014 were approved as circulated. Ms. Lindsay noted that the vote tally on the TWU motion was 7 for and 20 against, not 6 for and 20 against, as reported at the meeting.

The minute of the May 1, 2014 email assent to motion was approved as circulated.

b. Resolutions

The following resolutions were passed unanimously and by consent.

- Review of the Law Society's Tribunals Program

BE IT RESOLVED to form a task force of Benchers and others to

- review the progress of the changes to the tribunal system implemented since 2011;
- recommend changes for the improvement of the system and correction of any problems;
- identify any further reforms that the benchers should consider at this time;
- report to the Benchers as soon as possible, and in any event before the end of 2014.

- External Appointments: Vancouver Foundation Board of Directors; Legal Services Society Board of Directors

BE IT RESOLVED to renew the appointment of Suzette Narbonne as a member of the Legal Services Society Board of Directors for a second term of three years, effective May 1, 2014.

BE IT RESOLVED to renew the nomination of Anna Fung, QC as a member of the Vancouver Foundation Board of Directors for a second term of three years, effective May 1, 2014.

- Ratification of the Aboriginal Scholarship Recipient

BE IT RESOLVED to ratify the recommendation of the Credentials Committee to award the 2014 Law Society Aboriginal Scholarship to Kinwa Bluesky, and to declare Susan MacDonald as runner-up.

DISCUSSION/ DECISION

2. Review of the Law Society's 2013 Audited Financial Statements and Financial Reports and the 2014 First Quarter Financial Report

Mr. Walker briefed the Benchers as Chair of the Finance and Audit Committee. He provided highlights of the Law Society's 2013 Audited Financial Statements and Reports and the 2014 Quarterly Financial Report to March 31, 2014. Mr. Walker noted that the costs associated with the Trinity Western University application for approval of a faculty of law are addressed under the 2014 Financial Highlights.

Chief Financial Officer and Director of Trust Regulation Jeanette McPhee reviewed those financial statements and reports in more detail. A copy of her PowerPoint presentation is attached as Appendix 1 to these minutes.

Mr. Walker expressed the Finance and Audit Committee's appreciation for the quality of the financial information and reporting provided by Ms. McPhee, with the support of Controller Aaron Griffith, CEO Tim McGee, QC and Chief Information and Planning Officer, Adam Whitcombe.

Mr. Lloyd moved (seconded by Ms. Kresivo) that the Law Society's 2014 audited financial statements be approved. The motion was carried unanimously.

GUEST PRESENTATIONS

3. Federation of Law Societies of Canada (FLSC) Executive Update

FLSC President Marie-Claude Belanger-Richard briefed the Benchers on the Federation's history and background. Stressing that Federation decision-making is the product of consensus, hard work, and good leadership by the member societies, Ms. Belanger-Richard noted the leadership and commitment of Gavin Hume, QC and Tim McGee, QC, respectively the Law Society's representative to Federation Council and Chief Executive Officer.

The bilingual notes for Ms. Belanger-Richard's remarks are attached as Appendix 2.

Jonathan Herman noted that this is the eighth LSBC Bencher Retreat he has attended as CEO of the Federation. Characterizing the Federation as an extension of Canada's law societies, Mr. Herman outlined the Federation's various operations. He observed that the law societies' expectations of the Federation continue to grow, on every more complex issues, and that the burden falls on all the member societies to consider how to deal with that issue.

Mr. Herman noted the Federation's reliance on the staff of its member societies, and commented on the importance of the contributions made by Law Society staff to the ongoing work of the Federation. He emphasized the value of CEO Tim McGee's national perspective and judgment.

REPORTS

4. President's Report

Ms. Lindsay briefed the Benchers on various Law Society matters to which she has attended since the last meeting, including:

a. TWU Update

The Law Society has called a Special General Meeting (SGM) for Tuesday, June 10, in response to a written request that meets the requirements of Rule 1-9(2). A draft Notice to the Profession (previously circulated to the Benchers by email) was discussed, with further discussion deferred to the *in camera* session. A number of comments have been received from the membership, the majority of which fall within two themes: expressing desire for:

- enhanced opportunity to attend and vote at the SGM; and
- changes to the Law Society Rules governing general meetings to permit remote participation and voting

The Executive Committee has approved three additional Special General Meeting locations: Abbotsford and New Westminster in Westminister County, and Williams Lake in Cariboo County, bringing the total number of locations for the June 10 SGM to 16.

b. North Shore Bar Association Meeting

Ms. Lindsay and Mr. McGee recently attended a meeting of the North Shore Bar Association. The meeting was well-attended and a number of comments and questions were raised regarding TWU's pending application for approval of a new faculty of law.

c. Judicial Council of British Columbia and BC Provincial Court

Ms. Lindsay updated the Benchers on her attendance at a recent meeting of the Judicial Council of British Columbia, as the Law Society's Council representative for 2014.

Ms. Lindsay then welcomed the Honourable Thomas Crabtree, Chief Judge of the BC Provincial Court, to the meeting. Chief Judge Crabtree thanked Ms. Lindsay for the opportunity to brief the Benchers on the Provincial Court's 2014 priorities, and to provide highlights from the Court's most recent semi-annual report on its complement of judges (as at April 30, 2014).¹

Chief Judge Crabtree noted the valuable contributions of Law Society First Vice-President Ken Walker, QC as the Society's representative to the Judicial Council of BC for the past several years.

d. Recent Committee and Task Force Appointments

Lee Ongman and Elizabeth Rowbotham have been appointed to the Act and Rules Committee.

Ken Walker, QC (Chair), Haydn Acheson, Pinder Cheema, QC, David Layton, Linda Michaluk and David Mossop, QC have been appointed to the Tribunal Program Review Task Force.

5. CEO's Report

Mr. McGee provided highlights of his monthly written report to the Benchers (attached as Appendix 3 to these minutes) including the following matters:

- Financial Results
- In-House Advocacy Workshop for Discipline Counsel
- Discipline Sanctions Project
- 2014 Family Law Justice Summit
- Communications Award
- Trinity Western University – Special General Meeting

¹ Provincial Court Judge Complement (as at April 30, 2014) may be downloaded at: <http://www.provincialcourt.bc.ca/news-reports/court-reports>

- Legal Services Regulatory Framework Task Force

6. 2012 – 2014 Strategic Plan Implementation Update

Ms. Lindsay and Mr. McGee updated the Benchers on the implementation status of the current Strategic Plan. Mr. McGee confirmed that work on the 2015-2017 Strategic Plan will commence in the fall.

7. Federation Council Update

Gavin Hume, QC briefed the Benchers as the Law Society's member of the FLSC Council. Mr. Hume noted that the Supreme Court of Canada's hearing of the money-laundering case (FLSC v. Canada) will take place on May 12, 2014. The Federation is represented by former Law Society President John Hunter, QC.

Mr. Hume reported that the next Federation Council meeting will be held in Ottawa on June 2. The agenda includes the following matters:

- moving the Federation of Law Societies of Canada under the new *Canada Not-for-profit Corporations Act*, and updating the Federation's by-laws accordingly
- recent developments in the TWU matter, and consideration of a recommendation by the Federation's Special Advisory Committee to add a non-discrimination element to the National Requirement for Approving Canadian Common Law Degree Programs
- establishing a Council committee to undertake a review of the Federation's National Requirement for Approving Canadian Common Law Degree Programs
- commencing a review of Federation governance, including presidency succession-planning
 - that review has been delayed pending completion of the not-for-profit legislation matter already noted
- the Federation's Standing Committee on the Model Code (chaired by Mr. Hume) will meet on June 3 to review consultation reports received from a number of law societies regarding proposed Code amendments relating to conflicts rules, relations between lawyers, law firms and their clients, and transfers of property related to proceeds of crime.

8. Report on the Outstanding Hearing & Review Reports

Written reports on outstanding hearing decisions and conduct review reports were received and reviewed by the Benchers.

The Benchers discussed other matters *in camera*.

WKM
2014-05-31

DRAFT

The Law Society *of British Columbia*



Law Society of British Columbia 2013 Financial Results to Budget

Benchers Meeting – May 10, 2014



Overview

1. 2013 General Fund
2. 2013 TAF
3. 2013 Special Compensation
4. 2013 Lawyers Insurance Fund
5. 2014 to date

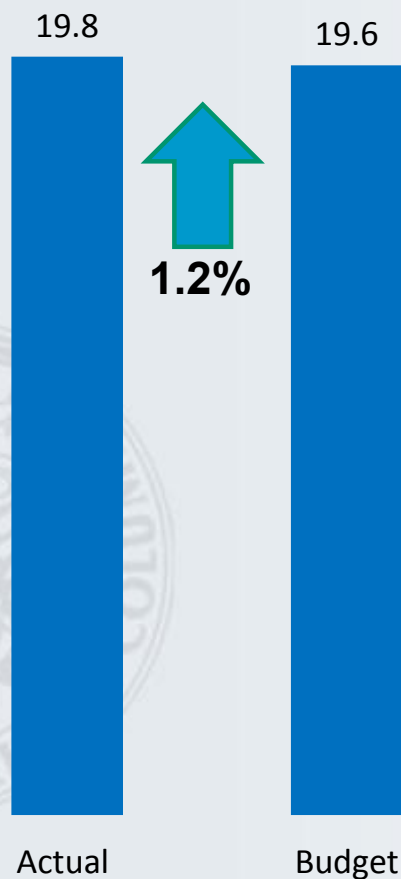
General Fund Operating Results

(without capital)

The Law Society
of British Columbia



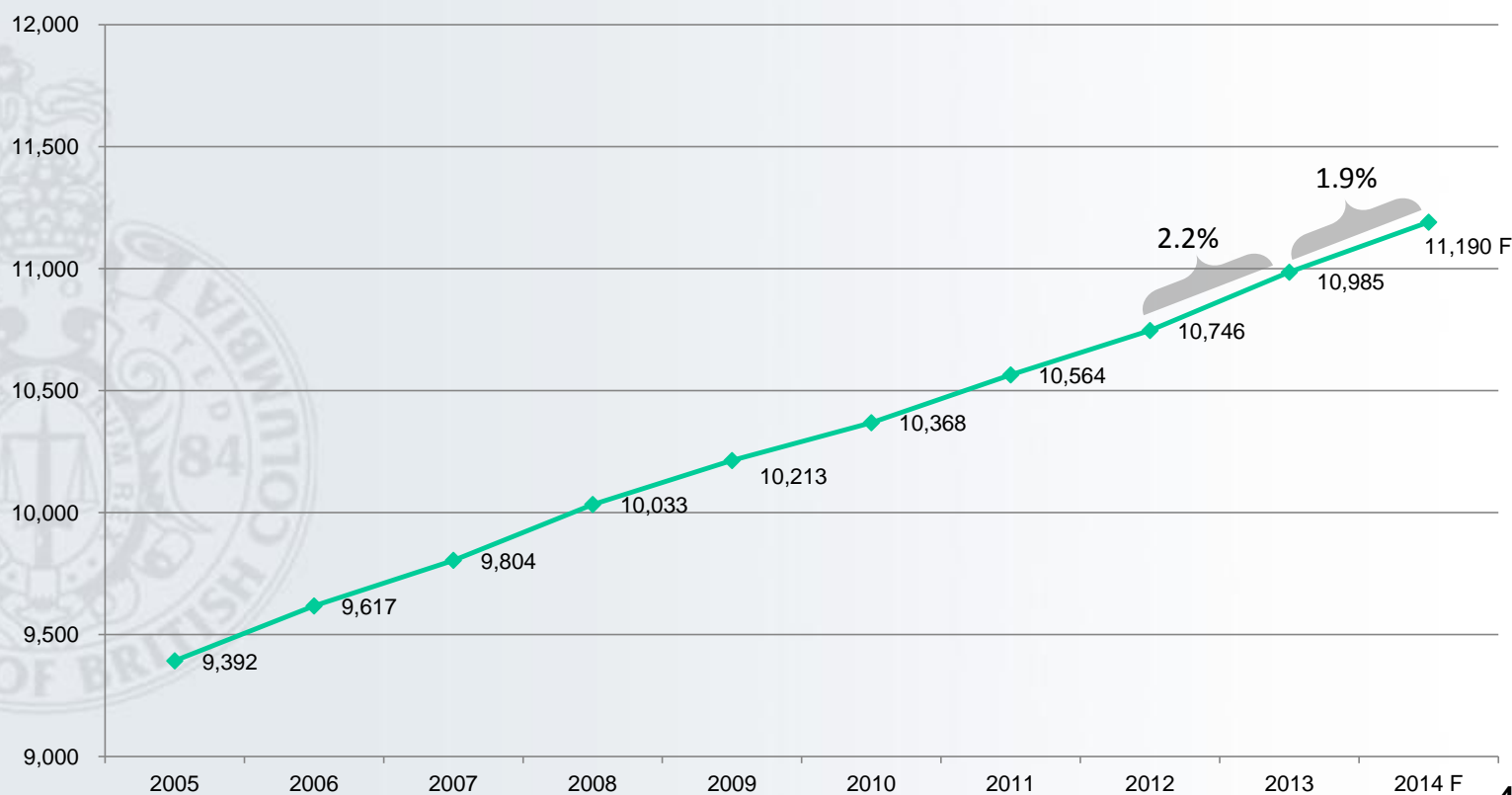
Revenue



- Membership fees below budget and PLTC fees above budget
- 10,985 members, 15 members below budget of 11,000
- 442 PLTC students, 42 students above budget
- Electronic filing revenue below budget = (\$19,000)
- Interest income above budget = \$28,000
- Recoveries ahead of budget = \$75,000
- Cambie building lease revenue below budget = \$40,000

2013 Practicing Membership

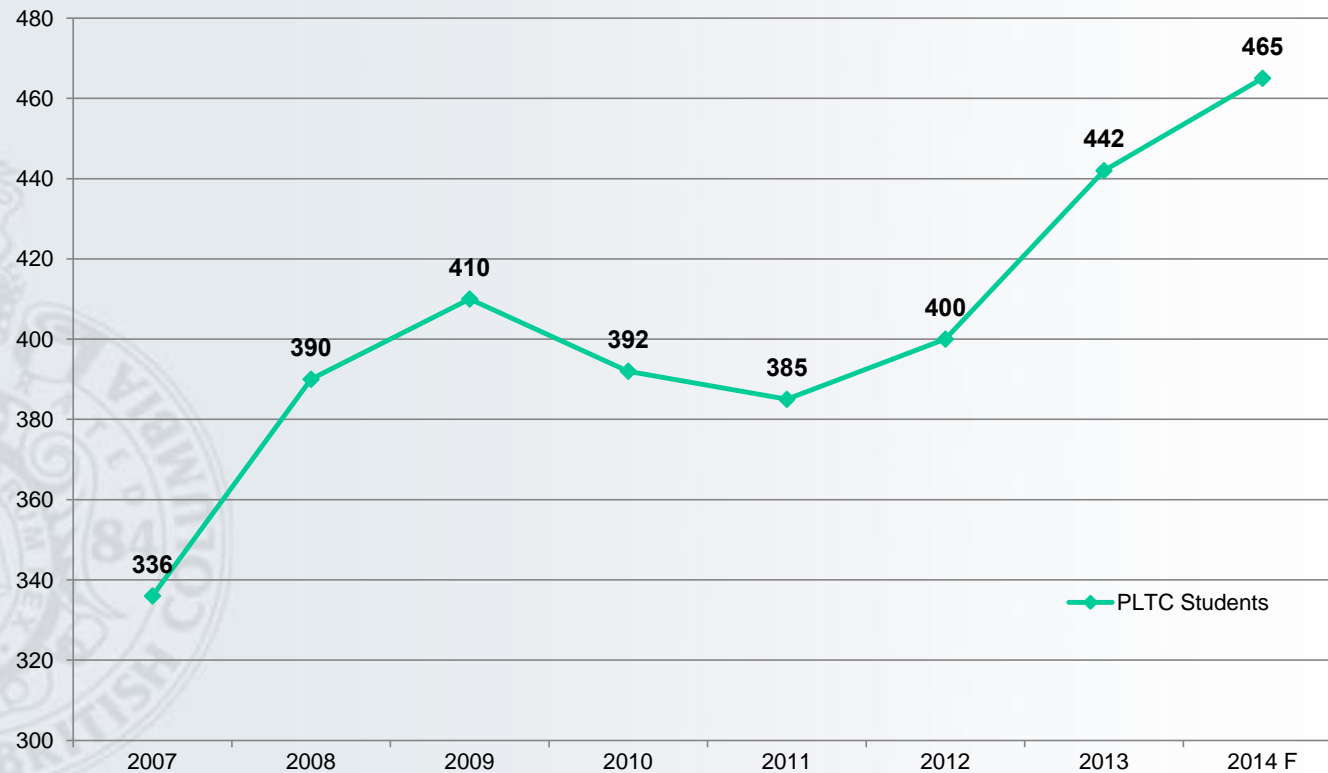
The Law Society
of British Columbia



4

PLTC Students

The Law Society
of British Columbia





General Fund Operating Results

(without capital)



Areas of savings against budget:

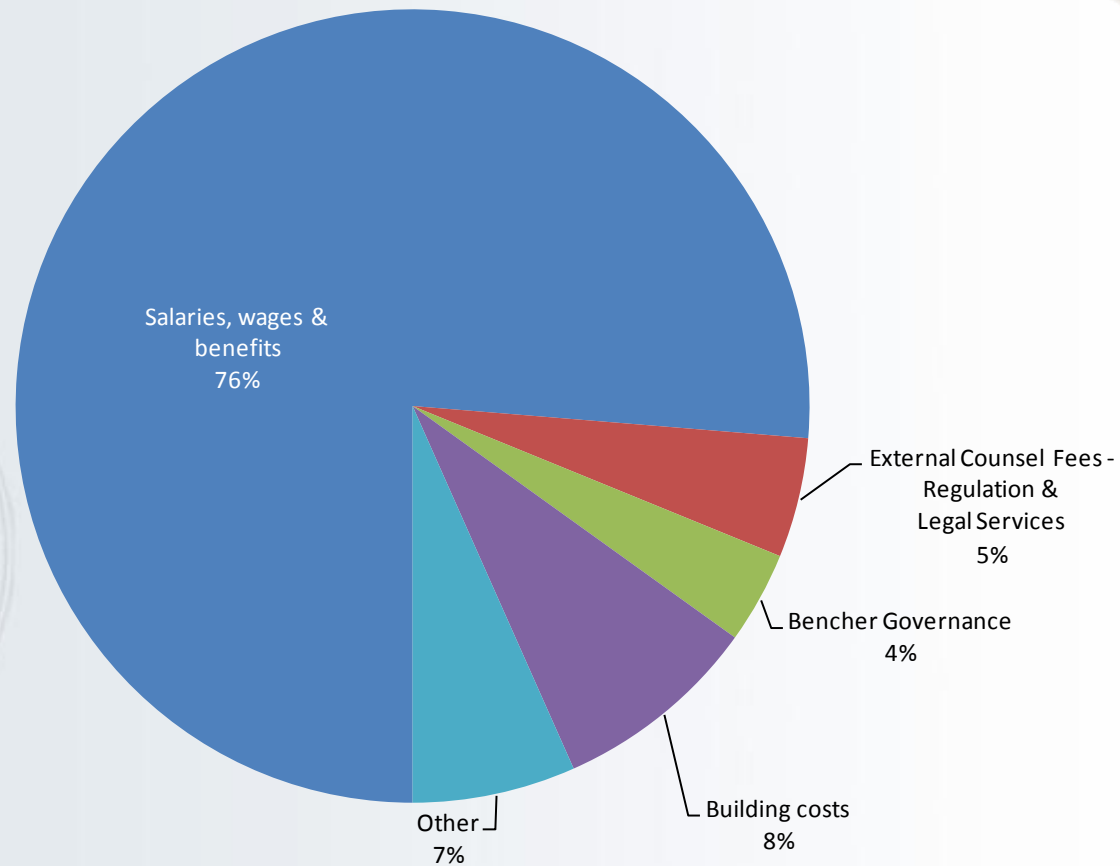
- Staff compensation = \$622,000
- Forensic professional fees = \$145,000

Costs in excess of budget:

- Regulation external professional fees = (\$178,000)
- Credentials professional fees = (\$80,000)
- Privacy review recommendations = (\$86,000)
- CBA REAL initiative = (\$75,000)
- Contribution for Access Pro Bono space = (\$36,000)
- PLTC – additional students = (\$50,000)

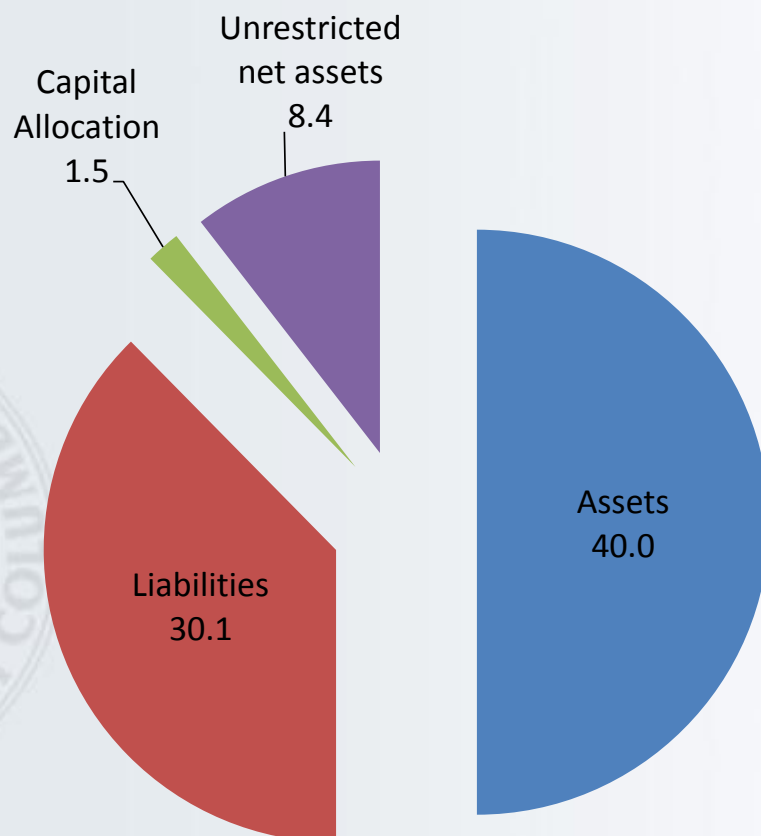
Operating Expenses Composition by type

The Law Society
of British Columbia





General Fund Balance Sheet – December 2013





Trust Assurance

2013 Actual



2013 Budget



2012 Actual



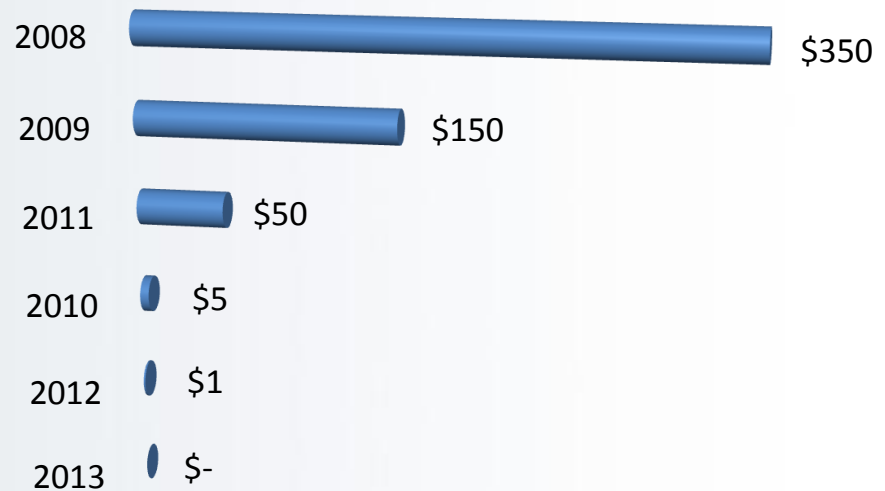


Special Compensation Fund

Net Assets



Special Fund Fee



Lawyers Insurance Fund

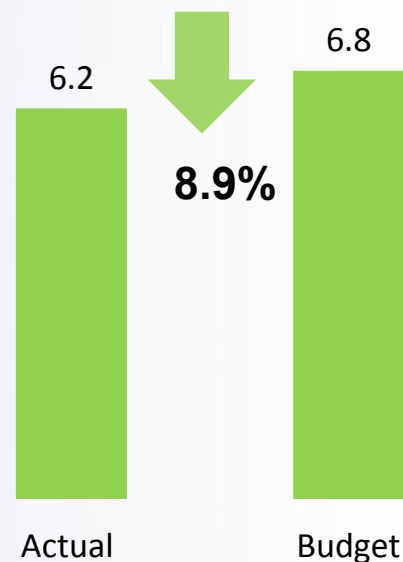
The Law Society
of British Columbia



Revenue



Expenses



Lawyers Insurance Fund

The Law Society
of British Columbia



Investments



Net Assets





A preliminary look at 2014...

- 2014 membership numbers are close to budget and PLTC revenues are expected to exceed budget with 15 additional students
- Pressures and strengths for 2014 –
 - Additional cost items to consider
 - TWU related costs - \$150,000
 - Regulation external counsel fees - \$100,000
 - Compensation savings relating to unfilled positions expected to offset additional costs
 - 835 building 2nd and 3rd floors now leased and renewed lease for atrium café
 - TAF revenue – on track

NOTES FOR A SPEECH BY MARIE-CLAUDE BÉLANGER-RICHARD, Q.C.
TO THE BENCHERS OF
THE LAW SOCIETY OF BRITISH COLUMBIA
HARRISON HOT SPRINGS, BRITISH COLUMBIA
MAY 10, 2014

Dear colleagues,

C'est un plaisir et un grand honneur pour moi d'être ici avec vous aujourd'hui. A pleasure because I am among friends in this beautiful setting in British Columbia. It is an honour because I speak to you today on behalf of the Federation of Law Societies of Canada in my capacity as President. I wish to thank your President Jan Lindsay for this opportunity.

The Law Society of British Columbia is a very important member and contributor to the Federation, so it is not only appropriate that I meet with you – it is also my duty to report to you about the work of the Federation and the role of this law society in it. It is especially timely that I do this now, as I know many of you are new to your role as Benchers, having been recently elected. Je sais que vous avez déjà appris à connaître la Fédération et que vous en avez beaucoup entendu parler dernièrement. Je suis

certain que vous en entendrez encore parler au cours des prochaines années et c'est pourquoi il est essentiel que vous soyez conscients que, en fin de compte, la Fédération **c'est vous**. Il est essentiel pour vous de voir la Fédération de cette façon parce que nous vivons une période de grands changements au sein de la profession juridique partout au Canada et, je dirais même, à travers le monde. En effet, la réglementation de la profession juridique purement à l'échelle locale est chose du passé.

Let me begin by painting a picture for you about why the Federation exists in the first place and how it works. Everyone in this room knows that professional regulation is a matter of provincial and territorial jurisdiction. Collectively, Canada's law societies regulate 100,000 lawyers and 4,000 Quebec notaries. In Ontario, the law society also regulates 4,000 paralegals. These bodies are all set up by law to protect the public. They do so by deciding who can be a member of the legal profession in their jurisdictions and ensuring that they are competent. They establish the codes of conduct and professional responsibility that their members are required to adhere to. They respond to complaints and where necessary, they discipline members who fail to live up to the standards required of them.

They protect the public by requiring members to be insured, and I could go on.

In short, the other law societies in Canada are all required to do the same things that yours does.

Now imagine that all of the law societies have come together over a cup of tea and each one has decided to recognize the credentials of every member of the legal profession no matter where they were first admitted to the bar. In this world, the holder of any licence to practice law is assumed to be of the same high standard of competence and integrity no matter where he or she decides to move in Canada without any questions asked or additional training or evaluation.

Voilà ce qu'est la mobilité nationale au Canada et, depuis cette année, ce régime uniforme et fluide s'applique peu importe si un juriste a une formation en common law ou en droit civil au Québec.

So it begs the question – if any lawyer can move anywhere and have his or her licence recognized by any law society, is there any principled reason why the regulation of lawyers should be

approached differently from one jurisdiction to the next? What should the average member of the public think? The answer to that question, of course, is no, there is no principled reason for any substantial variation in how the public is protected by legal regulators anywhere in Canada.

Si on accepte cette réponse, la prochaine question à se poser est comment au juste les ordres professionnels de juristes arrivent-ils à assurer la cohérence de la réglementation de la profession juridique? Et la réponse à cette question est la raison pour laquelle je suis ici aujourd'hui – créer une association bénévole de tous les ordres professionnels de juristes et la nommer la Fédération des ordres professionnels de juristes du Canada.

I must emphasize that the Federation is a voluntary association. It is not a level of government with its own powers. It is actually a creature of the law societies acting collaboratively and it only does what the law societies collectively decide it should do. Think of it as the national branch office of the Law Society of British Columbia. Its existence depends on this law society and its work is done with the input and expertise of this law society. The same can be said of the other 13 members of the Federation.

One word will sum up how decisions are made – consensus. Getting there is hard work, as you can imagine in an organization whose members span wildly different sizes and resources (think of the Law Society of Upper Canada regulating 40,000 lawyers and the Law Society of Nunavut regulating 200). Add to that the fact that Canada is a country with two legal traditions and two official languages. But hard work often results in success, and success is the product of good leadership from each law society. The roles played by the Council representative of the Law Society of British Columbia and the CEO are critical to this success, so the Federation is very fortunate to benefit from the leadership provided by Gavin Hume, Q.C. and Tim McGee, Q.C. who play those respective roles. It is the public that is the beneficiary of the important contributions of these extraordinary individuals.

So what is the essential role of the Federation?

There are three main roles, actually. First, it is the place where national standards and national regulatory initiatives take shape with the objective that they will be imported by each member law society into local rules. After all, the Federation itself regulates no one. It is also a forum for exchange of ideas and dialogue for its members to share best practices, to look together into the future

and identify trends that could affect the legal profession and how it is governed. The Federation is also a national voice for all of the law societies on matters of national interest, whether they arise at the Supreme Court of Canada, with the federal government or internationally.

I would like to emphasize just a few of the important projects that the Federation has been tasked to do by the law societies.

Earlier, I mentioned national mobility. The Federation is the guardian of this regime. The Federation is the place where the mobility arrangements are negotiated and agreed upon. And it is the national initiative of the Federation from which all others flow and draw their principled existence. I wish to single out the extraordinary role played for many years by Jeff Hoskins in this regard. He is among the few individuals in Canada with the corporate memory and an expert legal draftsman's eye to ensure that the mobility agreements actually work the way they were intended. He has been a valuable resource to the Federation and I wish to thank the Law Society of BC for sharing Jeff's talent with us.

La mobilité nationale est la raison pour laquelle la Fédération se concentre sur des projets qui se rapportent aux normes nationales. Trois grandes initiatives occupent actuellement une grande partie de notre temps – le Code type de déontologie professionnelle, les normes de discipline nationales, ainsi que les normes d'admission nationales qui incluent une approche nationale pour l'agrément des programmes d'études en droit.

The Model Code has been adopted in six jurisdictions and is being considered in many more. We recognize that like any set of rules they are not set in stone for all time, so we set up a Standing Committee that is always looking at ways the Code can be improved. Because of this initiative, the Canadian Bar Association recently decided to retire its own Code of Professional Conduct and leave this work entirely to the law societies. Harmonizing codes of conduct is hard and at times tedious work. It takes strong leadership and a commitment of time that few people would be willing to devote. But the chair of our Model Code Committee is Gavin Hume, thank goodness. He is joined in this work by an outstanding team of law society leaders and staff across Canada, and he brings it all together in an exceptional way. Gavin, I am sure your BC colleagues already know that you have been a major contributor to the Federation and have ably

brought the perspective of BC to this work, but you are unquestionably one of the best resources we have nationally. Thank you so much.

In the area of lawyer discipline, we are also working toward high national standards. The National Discipline Standards Steering Committee has completed a two year pilot project and our Council has just approved these standards that touch on fairness, timeliness and transparency of discipline processes across Canada. Now it is up to the law societies to approve the standards and work to meet and exceed them, if possible. Once again, the Law Society of BC is at the forefront of this initiative. You were well-represented on the Steering Committee by Deb Armour who will no doubt have an important role to play in this area going forward. Thank you Deb.

In the area of national admission standards, all law societies have adopted a National Competency Profile for entry level lawyers and Quebec notaries and we are working on options to implement the profile. Work is also progressing on a national good character standard. The National Admission Standards Steering Committee includes Tim McGee and Alan Treleaven. Clearly, the Law

Society of BC's input and leadership is felt in this important project.

Which brings me to two key operational roles that the law societies have entrusted to the Federation: on the one hand, the review of existing and proposed Canadian law degree programs, and, on the other hand, the evaluation of the legal credentials of individuals trained outside of Canada and who wish to practice law in Canada.

These tasks are not inconsequential. The Canadian Common Law Program Approval Committee is in the midst of reviewing over 80 common law degree programs that are currently offered by 20 law schools in Canada to make sure they comply with the National Requirement that was adopted by all law societies a couple of years ago. At the same time, the National Committee on Accreditation reviews about 1,500 applications and administers more than 5,000 examinations on an annual basis to internationally trained applicants.

Allow me at this point to pause and salute your Director of Education, Alan Treleaven. Alan is a member of both of these committees. He brings an incalculable wealth of experience to

these tasks. Thank you Alan. I know this work is very difficult and has its controversial moments. Knowing that you bring a steady hand to these very important aspects of the Federation's efforts, is comforting to us and should give the Law Society of BC great comfort as well.

With national mobility as the backdrop, the law societies have invested heavily in efforts to bring consistency to how lawyers are admitted to practice. In the area of legal education, they agreed on what law school graduates should have in the way of substantive knowledge and skills and these are set out in the National Requirement that all law societies have adopted.

They agreed that the Federation should do the work on behalf of everyone to determine if the National Requirement is met. And the reason is simple. Consistency is better than inconsistency in a world where mobility is the rule. So what have we learned so far from the very challenging and divisive debate all legal regulators across Canada are experiencing with the Trinity Western University law school proposal?

After all, three law societies, including this one, have had thorough and thoughtful processes to deliberate on the same

question with largely the same information at hand. And yet, in the best traditions of our profession, they have managed to arrive at three completely different answers. So far.

Let me make the following observations. First, the debates in BC, Ontario and Nova Scotia, and even the results, while different, all reinforce law society confidence and reliance on the Federation's Approval Committee to decide whether law school graduates will meet the National Requirement and be competent to apply to bar admission programs. This does not appear to be in dispute, even with respect to future TWU law school graduates, as the Nova Scotia decision, for example, made explicit. Where the law societies differ is on issues that do not go to the competence of future law school graduates and those issues have not been given by the law societies to the Federation to decide.

The second observation I would make is that try as we might, national consistency in all things is not always possible all of the time. This is so because of a host of circumstances, and sometimes because of the unintended consequences of decisions taken in good faith. Clearly, this is one of the outcomes from decisions over the last several weeks.

It is true that there are a number of odd situations that could result from accepting TWU graduates in some parts of Canada, but not others, and these have not yet been fully thought through. But it is no reason to be pessimistic that over time, consistency will never be achieved or that we are on the threshold of an unravelling of the national mobility arrangements.

On the contrary, even the national mobility project was a process that evolved toward greater and greater harmony over time. And this is so because the Federation provides the best forum for discussion and collaboration among legal regulators who have exactly the same goal – to serve the public interest. It is when faced with inconsistent regulatory outcomes that law societies should be motivated more than ever to work through the Federation to resolve their differences.

If the regulatory landscape across Canada was already a model of perfection, there would never be a reason to discuss how to improve it. The Trinity Western story is still being told and is far from over. The Federation is committed to working with its members to find ways to come together on this very difficult file and I am confident that we will.

But the Federation is not all about TWU! As the theme of your own Benchers retreat so clearly demonstrated, the topic of access to justice and access to legal services is a preoccupation for all stakeholders in the justice system. So in addition to national standards, the Federation Council has identified access to legal services as an important priority as well.

Comme vous le savez, la Fédération joue un rôle important au sein du Comité d'action national sur l'accès à la justice qui est présidé par le juge Thomas Cromwell de la Cour suprême du Canada et nous avons établi un comité permanent pour lui confier ce dossier. J'aimerais remercier Tim McGee d'avoir accepté de mettre son expérience à profit pour ce comité très important.

Une autre initiative de la Fédération, dont les ordres professionnels de juristes peuvent être très fiers, est CanLII – notre site Web de recherche juridique national offert gratuitement.

CanLII, a Federation initiative, houses over 1,000,000 decisions and is by far the most widely consulted legal resource of its kind in Canada. British Columbia's Johanne Blenkin is a key member of the CanLII Board of Directors.

It is thanks to the financial support of Canada's law societies, including the Law Society of British Columbia, that this incredible resource has achieved its immense popularity throughout the legal profession everywhere in Canada.

I conclude with this. The Federation has evolved substantially in the last several years and we have seen its profile and stature grow among all major stakeholders in Canada's justice system.

Les projets que nous pourrions entreprendre sont innombrables et nous poursuivrons ce travail tant que nous aurons la confiance de nos membres, les ordres professionnels de juristes du Canada.

It is a privilege to work on behalf of and in harmony with the Law Society of British Columbia. In doing so, it is work that we do on behalf of all Canadians everywhere.

Thank you once again to Jan Lindsay, her colleagues, and the law society staff that contribute directly and indirectly to the Federation's work to help the Federation move forward in the public interest. Remember - when you hold up a mirror to the Federation, the faces you will see will be your own. Thank you all for your attention.



CEO's Report to the Benchers

May 10, 2014

Prepared for: Benchers

Prepared by: Timothy E. McGee

Financial Results

The audited 2013 Financial Statements and associated materials have now been reviewed by the Finance and Audit Committee and are attached as a separate item in your Benchers Agenda Package. Also attached as a separate agenda item are the financial results for the first quarter ended March 31, 2014. As you can see, we are tracking well to budget through the first three months of this year. Finance and Audit Committee Chair Ken Walker, QC, Chief Financial Officer Jeanette McPhee and I will be available to answer any questions you might have regarding these items.

In-House Advocacy Workshop for Discipline Counsel

Representing the Law Society in citation hearings presents unique challenges for discipline counsel. They have an obligation to represent the public interest in the administration of justice but they must also ensure that respondents receive a fair hearing. Often, the manner in which citations are defended and the fact that many respondents choose to represent themselves creates special challenges for all involved.

The discipline counsel group have considerable experience with litigation generally and Law Society hearings in particular, but they recognize and welcome the added benefits of continual growth, peer-to-peer learning and feedback from more experienced counsel, including those who have had the opportunity to serve as hearing panel members. In order to continue to provide support to discipline counsel in this area, Jaia Rai, Manager, Discipline, together with Deb Armour, Chief Legal Officer, are in the process of developing an in-house advocacy workshop for counsel. The workshop will take the form of mock hearings where each counsel will have the opportunity to conduct various aspects of hearings of fictional cases before a panel of guest instructors, at the conclusion of which counsel will receive feedback from each other and the instructors. The feedback will include tips for effective openings, examinations, cross-examinations and oral closing arguments as well as “views from the panel” perspectives. Senior members of the bar who have already expressed an interest and willingness to participate in the workshop as guest instructors include Ian Donaldson, QC, Leonard T. Doust, QC and Glen Ridgway, QC.

If you would like further information about the in-house advocacy workshop or if you have any questions, please contact Deb, Jaia or me.

Discipline Sanctions Project

One of the core regulatory responsibilities of Law Society hearing panels is the imposition of sanctions on lawyers against whom adverse determinations are made at hearings. The sanctioning process plays an integral role in the Law Society's mandate to protect the public interest in the administration of justice. A working group of Benchers and staff have been considering whether panel members would benefit from additional guidance in this area, beyond what is currently provided by way of panel pool training and counsel submissions made at hearing. The working group considered various models employed in other jurisdictions including other provinces in Canada, the United States and the United Kingdom. They concluded that the development and adoption of a Statement of Principles would benefit panels, and in particular non-lawyer members, by providing them with general guidance as part of a principled approach to sanctioning without pre-determining outcomes in a particular case. The working group is in the process of drafting a Statement of Principles, feedback on which may be sought from select non-Bencher lawyers who regularly appear for respondents. Once finalized, the Statement of Principles will be presented to the Benchers for review, discussion and approval.

The topic of the last Federation of Law Societies bi-annual conference in April in Regina was *Discipline 20/20*. The program for the conference was a wide-ranging review of discipline structures and processes employed by Law Societies across Canada. As part of the program, Deb Armour provided an overview of the discipline sanctions project, including the rationale for the project, specific progress to-date and plans for further development. We received very positive feedback, including views expressed by other jurisdictions to the effect that adoption of principles together with formal guidelines would be a useful and positive tool in ensuring consistent and fair adjudicative processes.

2014 Family Law Justice Summit

In 2013, the Legislature enacted the *Justice Reform and Transparency Act*. It created several consultative processes that empower planning across the justice system and to provide a mechanism for dialogue about sector-wide performance. One of the processes created is the requirement to hold, at least annually, a Justice Summit "to facilitate innovation in, and collaboration across, the justice and public safety sector". The first two summits (hosted at UBC in March and November 2013) focused on the criminal justice system, and were attended by all the major justice system stakeholders in British Columbia.

The first 2014 summit is scheduled for May 4 and 5 at UBC, and will focus on family justice. This summit aims to build on the work of the Action Committee on Access to Justice, and to ask what specific steps are needed to: achieve earlier resolutions and more informed participants; to expand out-of-court resolution; to help the courts better meet the needs of families experiencing relationship breakdown; to change the “culture” of family law in BC; to identify the desired outcomes of successful reform; and to identify goals and objectives to achieve by 2017.

The Law Society has been involved with the summits since their inception. I moderated the first two summits, and at the time of writing am preparing to assume that role again at the May summit. Michael Lucas, Manager, Policy & Legal Services and I both sit on the Summit Planning Steering Committee. President Lindsay will be acting as a facilitator during the summit, which will also be attended by Bencher Nancy Merrill and Life Bencher Richard Stewart, QC. President Lindsay, Michael and I will be able to provide more detail about the May Summit at the Bencher meeting.

Communications Award

Congratulations to Robyn Crisanti, our former Manager, Communications and Public Affairs, Carol Oakley, Communications Coordinator and Diana Papove, Project Coordinator for winning the 2014 International Association of Business Communication Gold Quill Award of Excellence in Change Communication for successfully designing and implementing the Law Societies’ Project Leo. The Gold Quill Award recognizes and awards excellence in strategic communications - honoring the dedication, innovation and passion of communicators from all over the world.

Project Leo was a major staff driven project launched in 2012 to design, develop and implement an organization-wide integrated information management tool to improve how we create, manage, share and store information at the Law Society. This was the largest and most complex undertaking of its kind in the history of the Law Society, requiring thousands of person hours of work and involving every single Law Society employee. As a result, we’ve greatly enhanced our overall sense of teamwork and execution at all levels of the organization.

Throughout this two-year project, our Leo change management team maintained a transparent, creative and educational change management approach, focusing on

opportunities for employee engagement and feedback. It's great to see the efforts of this team recognized by their peers.

Trinity Western University – Special General Meeting

A Notice to the Profession was sent out on April 30 to advise members that the requirements for a Special General Meeting had been met, and that formal notice of the meeting will be circulated once a date has been set. At the time of writing, we are working to finalize a date and logistics for the meeting. President Lindsay and I will be available to answer any questions you might have about the process and plans for the Special General Meeting.

Legal Services Regulatory Framework Task Force

The first meeting of the newly constituted Legal Services Regulatory Framework Task Force chaired by Art Vertlieb, QC is scheduled for Friday, May 2. At that meeting, a work plan will be discussed and initial priorities established. We look forward to supporting the work of this Task Force throughout the balance of this year and into next year.

Timothy E. McGee
Chief Executive Officer

REDACTED MATERIALS

REDACTED MATERIALS



Memo

To: Benchers
From: Jeffrey G. Hoskins, QC on behalf of Act and Rules Committee
Date: May 19, 2014
Subject: **Rule 4-30 -- Preliminary matters**

1. It was recently suggested by the discipline department and, separately, the chair of a hearing panel that it would be appropriate and useful for a hearing panel sitting on a Rule 4-22 conditional admission and consent to discipline to have the terms of the admission and consent in advance of the hearing.
2. The Act and Rules Committee has considered the suggestion and recommend an amendment to Rule 4-30 to give effect to that suggestion. I attach a draft rule amendment and suggested resolution that would make the recommended change

Conditional admissions

3. Rule 4-22 [*Consent to disciplinary action*] allows the respondent to a citation to, in effect, plead guilty by admitting the allegations in a citation and agreeing to disciplinary action (penalty). The admission is conditional, and if the admission and agreed disciplinary action is not accepted by the Discipline Committee and approved by a hearing panel, it does not prejudice the respondent in a subsequent hearing.
4. When the Discipline Committee has approved a Rule 4-22 admission and disciplinary action, the arrangement does not take effect unless it is approved by a hearing panel. The hearing panel may consist of a single lawyer Benchers, but the current practice is to include a non-Benchers lawyer and a public representative.
5. The hearing panel's role is limited to making a decision to accept or reject the arrangement approved by the Discipline Committee. Based on the case law, panels should accept the

arrangement unless the admission is inappropriate in light of the evidence or the disciplinary action is outside the range of fair and reasonable disciplinary action in all the circumstances.

6. In making its decision, a panel will consider the same evidence considered by the Discipline Committee, such as the facts agreed upon and the respondent's professional conduct record, if any. The panel will also hear and consider the submissions of the parties and any relevant prior cases relied on by the parties.
7. If the panel does not approve the arrangement, the matter is referred back to the Discipline Committee to proceed in the usual manner on the citation. The conditional admission cannot be used against the respondent.

Rule 4-30

8. Rule 4-30 requires a hearing panel to determine that the respondent to a citation has been given proper notice of the hearing before starting to hear evidence. Subrule (3) sets out, as exceptions to that rule, certain documents that the hearing panel can receive and consider before the hearing commences. This is the text of that subrule:
 - (3) Despite subrule (1), before the hearing begins, the panel may receive and consider.
 - (a) the citation,
 - (b) an agreed statement of facts, and
 - (c) an admission made or deemed to be made under Rule 4-20.1 [*Notice to admit*].
9. The proposal is to add a further exception that would allow a hearing panel, before sitting on a conditional admission hearing, to have before them the conditional admission and the proposed disciplinary action.
10. This is the third time since 2010 that exceptions to the rule against the panel receiving advance evidence have been proposed in order to keep the rule current with changes in other procedures. The Act and Rules Committee recommends adding a further exception that would allow counsel to agree on other materials that can be provided to the panel before the formal hearing begins. The need for the respondent's consent should guard against any possible abuse of the power to pre-educate the panel.

Recommendation

11. The Act and Rules Committee recommends the amendment and the suggested resolution to the Benchers for adoption.

Attachment: draft amendment
resolution

LAW SOCIETY RULES

PART 4 – DISCIPLINE

Preliminary ~~procedures~~ matters

- 4-30** (1) Before hearing any evidence on the allegations set out in the citation, the panel must determine whether
- (a) the citation was served in accordance with Rule 4-15, or
 - (b) the respondent waives any of the requirements of Rule 4-15.
- (2) If the requirements of Rule 4-15 have been met, or have been waived by the respondent, the citation or a copy of it must be filed as an exhibit at the hearing, and the hearing may proceed.
- (3) Despite subrule (1), before the hearing begins, the panel may receive and consider
- (a) the citation,
 - (b) an agreed statement of facts, ~~and~~
 - (c) an admission made or deemed to be made under Rule 4-20.1 [*Notice to admit*],
 - (d) a conditional admission and consent to a specified disciplinary action tendered by the respondent and accepted by the Discipline Committee under Rule 4-22 [*Consent to disciplinary action*], and
 - (e) any other document or evidence by agreement of the parties.

LAW SOCIETY RULES

PART 4 – DISCIPLINE

Preliminary matters

- 4-30** (1) Before hearing any evidence on the allegations set out in the citation, the panel must determine whether
- (a) the citation was served in accordance with Rule 4-15, or
 - (b) the respondent waives any of the requirements of Rule 4-15.
- (2) If the requirements of Rule 4-15 have been met, or have been waived by the respondent, the citation or a copy of it must be filed as an exhibit at the hearing, and the hearing may proceed.
- (3) Despite subrule (1), before the hearing begins, the panel may receive and consider
- (a) the citation,
 - (b) an agreed statement of facts,
 - (c) an admission made or deemed to be made under Rule 4-20.1 [*Notice to admit*],
 - (d) a conditional admission and consent to a specified disciplinary action tendered by the respondent and accepted by the Discipline Committee under Rule 4-22 [*Consent to disciplinary action*], and
 - (e) any other document or evidence by agreement of the parties.

PRELIMINARY MATTERS

SUGGESTED RESOLUTION:

BE IT RESOLVED to amend Rule 4-30 of the Law Society Rules as follows:

1. By rescinding the heading of the Rule and substituting the following:

Preliminary matters

2. By rescinding subrule (3)(b) and (c) and substituting the following:

- (b) an agreed statement of facts,
- (c) an admission made or deemed to be made under Rule 4-20.1 [*Notice to admit*],
- (d) a conditional admission and consent to a specified disciplinary action tendered by the respondent and accepted by the Discipline Committee under Rule 4-22 [*Consent to disciplinary action*], and
- (e) any other document or evidence by agreement of the parties.

REQUIRES 2/3 MAJORITY OF BENCHERS PRESENT



Memo

To: The Benchers
From: Deb Armour, Chief Legal Officer
Date: May 21, 2014
Subject: National Discipline Standards

Action Required

1. The Benchers are asked to approve the adoption and implementation of the National Discipline Standards with the following resolution.

Resolved that the National Discipline Standards attached as Attachment 1 to this memorandum be adopted and implemented by the Law Society of BC.

Background

2. The Federation of Law Societies of Canada established a National Discipline Standards Project in May of 2010 with a Steering Committee Chaired by Allan Fineblit, CEO of the Law Society of Manitoba, and comprised of a number of other CEOs and Discipline Administrators, a Federation Council member (Jeff Hirsch) and the Ombudsman of Saskatchewan, Kevin Fenwick. I was one of the Discipline Administrators on the Steering Committee.

3. The National Discipline Standards initiative was part of the following Federation strategic objective for 2010 – 2012:

To develop and implement high, consistent and transparent national standards for Canada's law societies in core areas of their mandates.

4. The goal set for the National Discipline Standards Project was the development and implementation of uniformly high standards for the processing of complaints and disciplinary matters in all law societies and the creation of a robust mechanism to monitor compliance with the standards.
5. The Steering Committee initially developed 23 discipline standards addressing such issues as timeliness, openness, public participation, transparency, accessibility and training of adjudicators and investigators. A two year pilot project was established in 2012 to test drive

those standards to ensure that they were realistic and achievable. All law societies in Canada participated in the pilot project with the exception of the Chambre des notaires du Québec.

6. From the outset, it was determined that the standards should be aspirational. It was not expected that law societies would meet all standards and in fact, during the pilot project, none of the law societies met all of them. Importantly, all law societies improved their results. Appropriate refinements were made to the standards as a result of the experiences of law societies during the pilot.
7. At its meeting on April 3 and as reported by LSBC Federation representative Gavin Hume, QC at the Benchers' meeting on April 11, Federation Council approved the refined National Discipline Standards ("Standards") which are at Attachment 1 and referred them to the law societies for adoption and implementation by January 1, 2015.
8. In addition, the Federation Council agreed that a Standing Committee on National Discipline Standards be established with members appointed from time to time by the Federation Executive. That Committee will be charged with monitoring implementation of and compliance with the Standards. The Standing Committee has not yet been constituted.

Report on LSBC Progress

9. LSBC progress on the Standards is found in Attachment 2.
10. We have made steady improvement since the implementation of the pilot project. Notable achievements are as follows:
 - a. We met 15 of the 21 Standards as of the end of April.
 - b. All of the Standards applicable to our intake and investigations functions (1 – 5 and 18) have been met with the exception of the minor shortfall on Standard 2.
 - c. 97% of all complaints were resolved or referred for a disciplinary or remedial response within 12 months. Standard 3 calls for 80%.
 - d. The Standards relating to public participation (10 and 11) and transparency (12 – 17) have all been met but for Standard 16. As it relates to Standard 16, Rule 2-15 requires us to provide information to another law society investigating one of our members, but it is not clear that solicitor/client privileged information must be protected in the hands of the recipient. We will seek a rule amendment to make that clear.
 - e. We provide training to all discipline hearing panel and Discipline Committee members as required by Standards 20 and 21.
11. Where we fall short:
 - a. Commencement of hearings (Standard 7) – while we are not yet meeting that standard, we have made substantial progress such that of all citations authorized in 2013, 100% were commenced within 12 months. Progress is attributable to changes

that we have made to our processes including not waiting for agreement on facts with the respondent before setting hearing dates. As well, we have filled a vacancy in the discipline group that was open for most of 2013, which will result in further improvements.

- b. Decisions rendered within 90 days of last submissions (Standard 8) – The standard is 90% and we are at 69% as at the end of April. We will continue to remind panellists of this deadline.
- c. Standard 9 (reporting quarterly on Standards 6 - 8) was new in January. I did not report to you in time to meet the quarterly requirement and will do so going forward.
- d. Easily accessible information on discipline history (Standard 19) – it is not easy to access any but the most recent discipline history on members. We currently have a staff working group looking at changes that could be made to Lawyer Lookup including those needed to ensure we meet this standard.

Recommendation

12. It is recommended that the Benchers adopt the resolution in paragraph 1.

Attachment 1

Federation of Law Societies
of Canada



Fédération des ordres professionnels
de juristes du Canada

NATIONAL DISCIPLINE STANDARDS PILOT PROJECT

List of Standards as of January 2014

Timeliness

1. **Telephone inquiries:**
75% of telephone inquiries are acknowledged within one business day and 100% within two business days.
2. **Written complaints:**
100% of written complaints are acknowledged in writing within three business days.
3. **Timeline to resolve or refer complaint:**
80% of all complaints are resolved or referred for a disciplinary or remedial response within 12 months.
90% of all complaints are resolved or referred for a disciplinary or remedial response within 18 months.
4. **Contact with complainant:**
For 90% of open complaints there is contact with the complainant at least once every 90 days during the investigation stage.
5. **Contact with member:**
For 90% of open complaints there is contact with the member at least once every 90 days during the investigation stage.

Hearings

6. 75% of citations or notices of hearings are issued and served upon the lawyer within 60 days of authorization.
95% of citations or notices of hearings are issued and served upon the lawyer within 90 days of authorization.
7. 75% of all hearings commence within 9 months of authorization.
90% of all hearings commence within 12 months of authorization.
8. Reasons for 90% of all decisions are rendered within 90 days from the last date the panel receives submissions.
9. Each law society will report annually to its governing body on the status of standards 3, 4 and 5. For standards 6, 7 and 8, each law society will report quarterly to its governing body on the status of the standards.

...../2

Attachment 1

2

NATIONAL DISCIPLINE STANDARDS PILOT PROJECT

**List of Standards
December 2013**

Public Participation

10. There is public participation at every stage of discipline; i.e. on all hearing panels of three or more; at least one public representative; on the charging committee, at least one public representative.
11. There is a complaints review process in which there is public participation for complaints that are disposed of without going to a charging committee.

Transparency

12. Hearings are open to the public.
13. Reasons are provided for any decision to close hearings.
14. Notices of charge or citation are published promptly after a date for the hearing has been set.
15. Notices of hearing dates are published at least 60 days prior to the hearing, or such shorter time as the pre-hearing process permits.
16. There is an ability to share information about a lawyer who is a member of another law society with that other law society when an investigation is underway in a manner that protects solicitor-client privilege, or there is an obligation on the lawyer to disclose to all law societies of which he/she is a member that there is an investigation underway.
17. There is an ability to report to police about criminal activity in a manner that protects solicitor/client privilege.

Accessibility

18. A complaint help form is available to complainants.
19. There is a lawyer directory available with status information, including easily accessible information on discipline history.

Qualification and Training of Adjudicators

20. There is ongoing mandatory training for all adjudicators, including training on decision writing, with refresher training no less often than once a year and the curriculum for mandatory training will comply with the national curriculum if and when it is available.
21. There is mandatory orientation for all volunteers involved in conducting investigations or in the charging process to ensure that they are equipped with the knowledge and skills to do the job.



**NATIONAL DISCIPLINE STANDARDS
PILOT PROJECT WITH STANDARDS AS REVISED IN JANUARY 2014**

**LAW SOCIETY OF BRITISH COLUMBIA PROGRESS
Staff Report on Status as at April 30, 2014**

STANDARD		STATUS
TIMELINESS		
1.	75% of telephone inquiries are acknowledged within one business day and 100% within two business days.	MET
2.	100% of written complaints are acknowledged in writing within three business days.	NOT MET. 99.7% was achieved. We have tweaked our processes to achieve 100% going forward.
3.	80% of all complaints are resolved or referred for a disciplinary or remedial response within 12 months. 90% of all complaints are resolved or referred for a disciplinary or remedial response within 18 months.	MET. 97% of all complaints were closed within 1 year. MET. 99.6% of all complaints were resolved or referred for a disciplinary or remedial response within 18 months.
4.	For 90% of open complaints there is contact with the complainant at least once every 90 days during the investigation stage.	MET in 94% of all cases.
5.	For 90% of open complaints there is contact with the member at least once every 90 days during the investigation stage.	MET in 93% of all cases.
HEARINGS		
6.	75% of citations or notices of hearings are issued and served upon the lawyer within 60 days of authorization. 95% of citations or notices of hearings are issued and served upon the lawyer within 90 days of authorization.	MET. 96% of citations were issued and served within 60 days of authorization. MET. 100% of citations were issued and served within 90 days of authorization.
7.	75% of all hearings commence within 9 months of authorization. 90% of all hearings commence within 12 months of authorization.	NOT MET. 40% of hearings commenced within 9 months of authorization. NOT MET. 68% of hearings commenced within 12 months of authorization.

STANDARD		STATUS
8.	Reasons for 90% of all decisions are rendered within 90 days from the last date the panel receives submissions.	NOT MET. 69% of all decisions were rendered within 90 days of the last date the panel received submissions.
9.	Each law society will report annually to its governing body on the status of standards 3, 4 and 5. For standards 6, 7 and 8, each law society will report quarterly to its governing body on the status of the standards.	NOT MET. This is a new standard as of January. As it relates to the obligation to report 6-8 quarterly, this standard was not met.
PUBLIC PARTICIPATION		
10.	There is public participation at every stage of discipline; i.e. on all hearing panels of three or more; at least one public representative; on the charging committee, at least one public representative.	MET. There is one public representative on every disciplinary panel and currently 2 public representatives on our charging body.
11.	There is a complaints review process in which there is public participation for complaints that are disposed of without going to a charging committee.	MET. Our Complainants Review Committee has 2 public members. One public member sits on each panel.
TRANSPARENCY		
12.	Hearings are open to the public.	MET. Hearings are open to the public unless the panel exercises its discretion under Rule 5-6 to exclude some or all members of the public.
13.	Reasons are provided for any decision to close hearings.	MET. Rule 5-6 (5) requires panels to give written reasons for orders to exclude the public or to require non-disclosure of information.
14.	Notices of charge or citation are published promptly after a date for the hearing has been set.	MET. Our process is to publish the fact that a citation has been authorized as soon as the respondent has been informed and the content of the citation when the respondent has been served.
15.	Notices of hearing dates are published at least 60 days prior to the hearing, or such shorter time as the pre-hearing process permits.	MET. It is our regular practice to publish dates of hearings as soon as they are set.

STANDARD		STATUS
16.	There is an ability to share information about a lawyer who is a member of another law society with that other law society when an investigation is underway in a manner that protects solicitor-client privilege, or there is an obligation on the lawyer to disclose to all law societies of which he/she is a member that there is an investigation underway.	NOT MET. Rule 2-15 requires us to provide information to another law society investigating one of our members, but it is not clear that solicitor/client privileged information must be protected in the hands of the recipient. We will seek a rule amendment to make that clear.
17.	There is an ability to report to police about criminal activity in a manner that protects solicitor/client privilege.	MET. Rule 3-3(2) allows the Discipline Committee to consent to delivery of such information to a law enforcement agency. Rule 3-3 (4) indicates we cannot share privileged material.
ACCESSIBILITY		
18.	A complaint help form is available to complainants.	MET. We have web based material that assists those wishing to make complaints as well as paper brochures that discuss our complaints processes and jurisdiction.
19.	There is a lawyer directory available with status information, including easily accessible information on discipline history.	NOT MET. Currently most discipline information is available although it is not all easy to access.
QUALIFICATION AND TRAINING OF ADJUDICATORS		
20.	There is ongoing mandatory training for all adjudicators, including training on decision writing, with refresher training no less often than once a year and the curriculum for mandatory training will comply with the national curriculum if and when it is available.	MET. All hearing panellists are required to take a basic course on the principles of administrative law, Law Society procedures and decision-writing. All lawyer panellists are required to take an advanced workshop on decision writing and all lawyer-Bencher panellists are required to take an advanced workshop on hearing skills. Annual refresher training took place late in 2013.
21.	There is mandatory orientation for all volunteers involved in conducting investigations or in the charging process to ensure that they are equipped with the knowledge and skills to do the job.	MET. For the last 3 years, we have provided orientation to everyone on the Discipline Committee. There are no volunteers involved in conducting investigations.

CanLII

The Law Society
of British Columbia



June 13, 2014
Colin Lachance



- Funded by Canada's lawyers and notaries for the benefit of all, CanLII provides free access to legal information
- Unique in the world among Legal Information Institutes (LIIs), CanLII's operational funding is, and has always been, exclusively provided by members of Canada's provincial and territorial law societies.
- Funding for specific projects such as expansion of historical collections has been gratefully received from provincial law foundations and other sources.

\$35

other ways a

lawyer can spend \$35 ...

approximate national
per lawyer amount
contributed through
law societies to fully
fund CanLII's
operations in

2013
5013

a pair of



tab collars

pizza for
articling
students



30 minutes of
court
reporter
services



taxi
ride
to
court



2-3
searches
on
pay legal
search
services

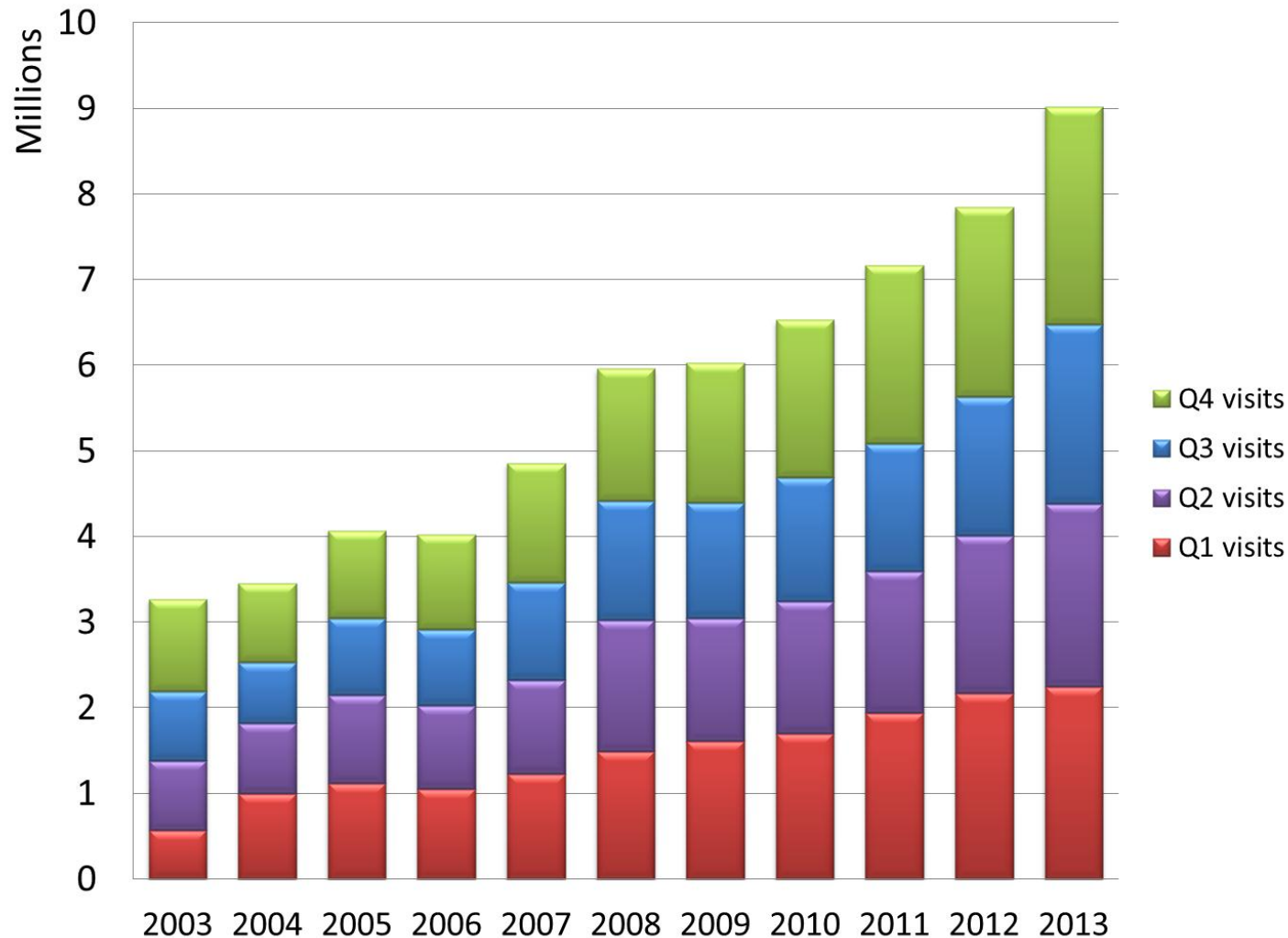


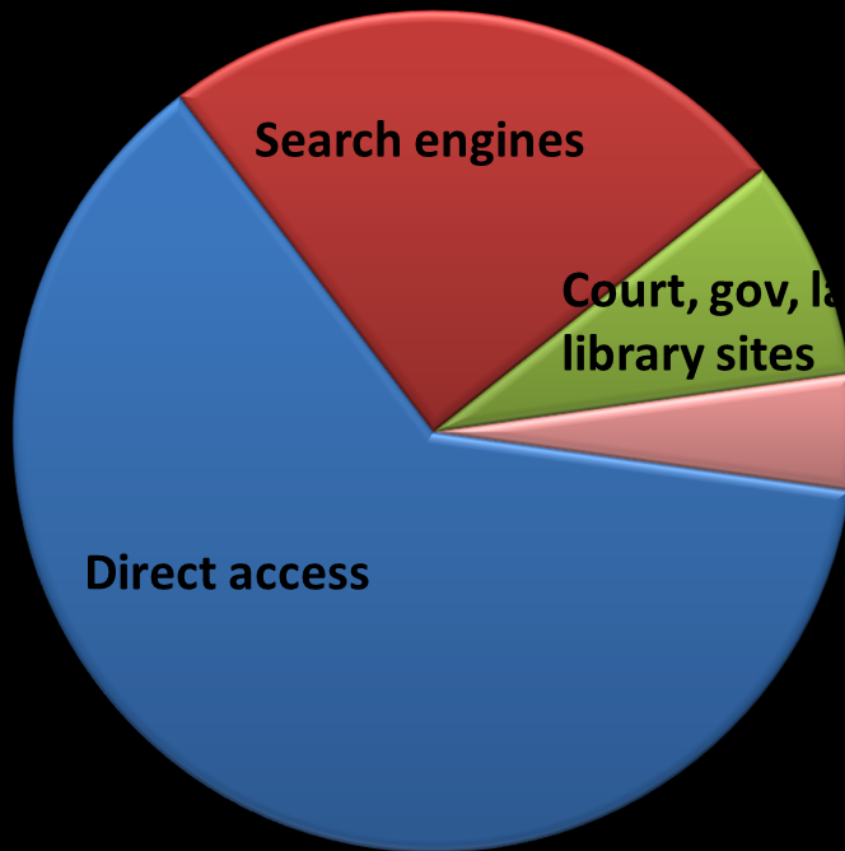
Notional per search rate. See, e.g.,
[http://www.lexisnexis.ca/
documents/
QLPriceList_CAN_EN.pdf](http://www.lexisnexis.ca/documents/QLPriceList_CAN_EN.pdf)



- Our website has over 1.3 million court judgments, tens of thousands of statutes and regulations and covers all the major courts and legislatures, as well as over 250 specialized courts and tribunals.
- More than a third of all professional legal research takes place on our website and that reliance is increasing. (source: CanLII 2012 survey)

widespread and growing use among the public and among the legal profession





How a user reaches CanLII will influence behaviours on CanLII



Intentional visit

Unplanned visit



	Direct link	Search engine	Link from any Web page	Social Media
Avg. Minutes on site	13.8	9	6.5	2.5
Avg. Number of actions	12.7	8.5	6	2.2
Avg. Bounce rate (single page view only)	24%	38.5%	51%	80%

- Origin - 1996 to 2001
- Early days – 2001 to 2003
- The next phase – 2003 to 2007
- A new beginning – 2008 to 2011
 - Futures committee
 - LexUM becomes Lexum Inc.
 - New Board, new president, new plan
- 2012 to 2014 strategic priorities
 - Permanence
 - Content
 - Technology
 - Policy

Chair

[Dr. Martin Felsky](#), Lawyer and legal technology consultant , BLG 2010

vice-Chair

[Diana Miles](#), Executive Director, Organizational Strategy and Effectiveness, Law Society of Upper Canada 2007

[Johanne Blenkin](#), CEO, Courthouse Libraries BC 2010

[Professor Michael Geist](#), University of Ottawa 2010

[Marion Fraser](#), vice-president finance and administration, Ottawa Heart Institute 2011

[Brian McLaughlin](#), CIO Advisor, Moorcroft Group Professional Services 2012

[Dominic Jaar](#), Partner and National Practice Leader in Information Management Services, KPMG 2013

Mission:

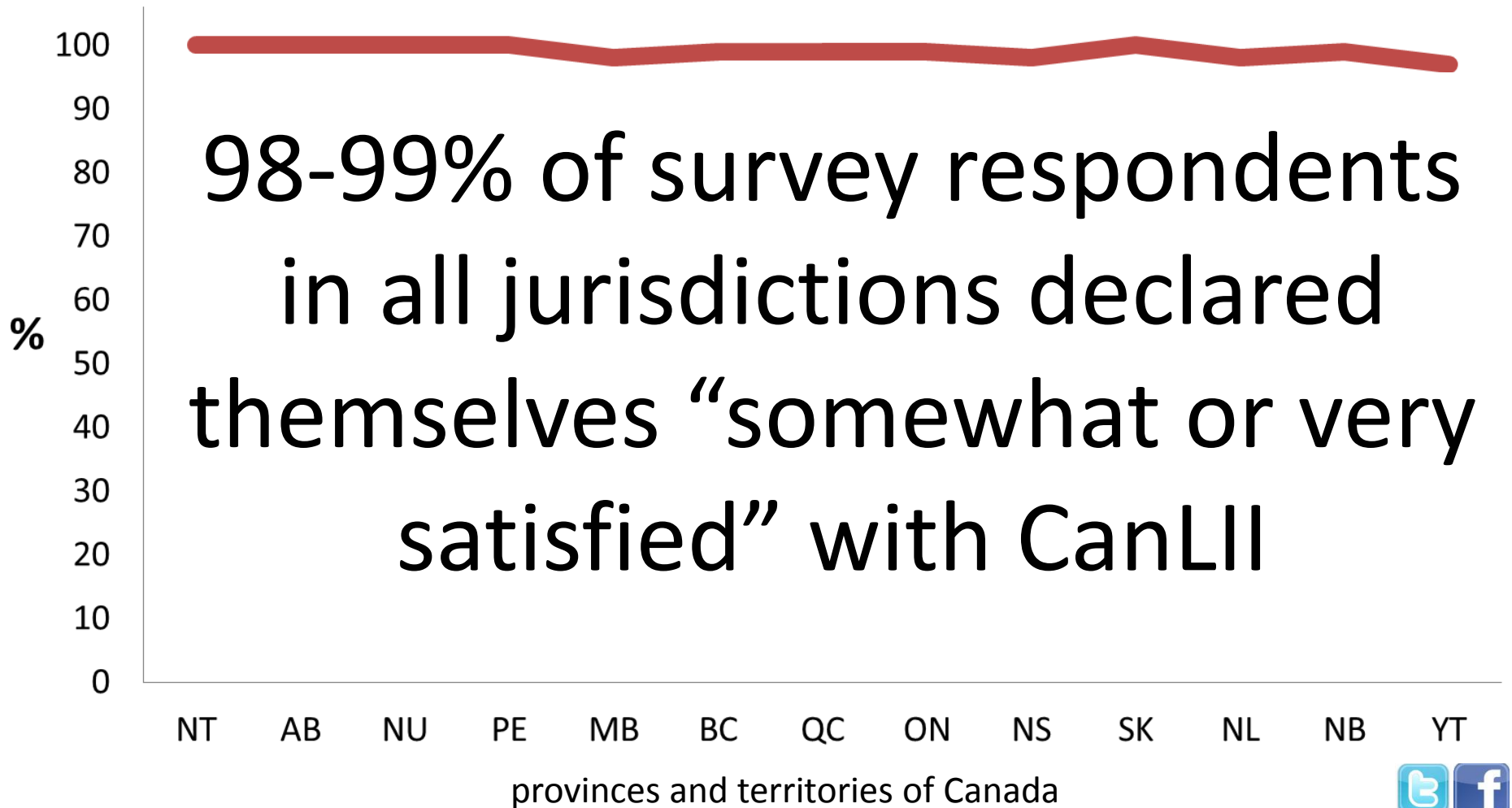
Free access to law

Goals:

Meet public interest in free and unrestricted access to legal information

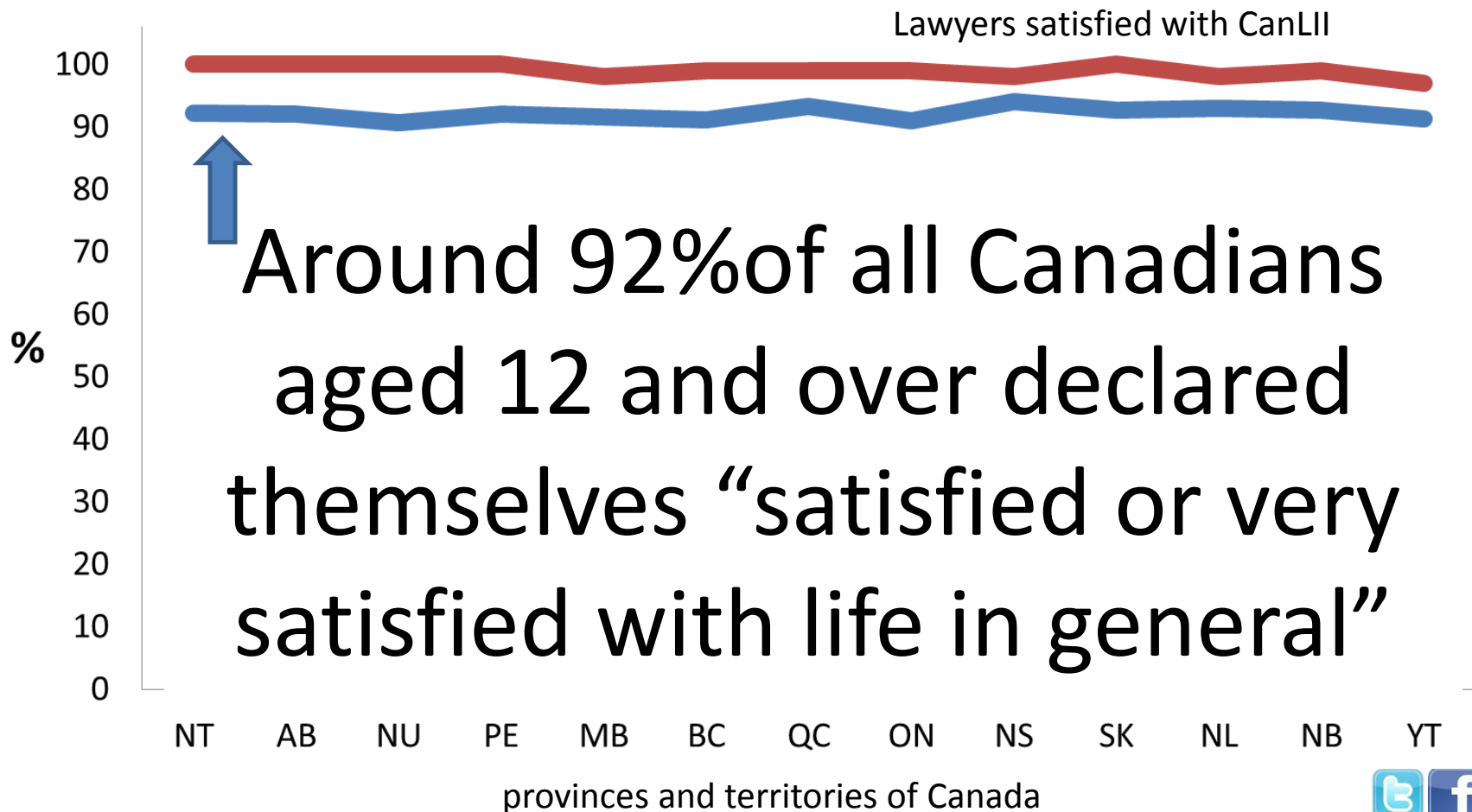
Satisfy legal community needs with a free, comprehensive and robust legal research service

1. Secure permanent role as foremost source of free law in Canada
2. Continually enrich content to meet needs of public and professional users
3. Deliver easy to use professional grade tools and a compelling site experience
4. Continuously promote and defend free access to law



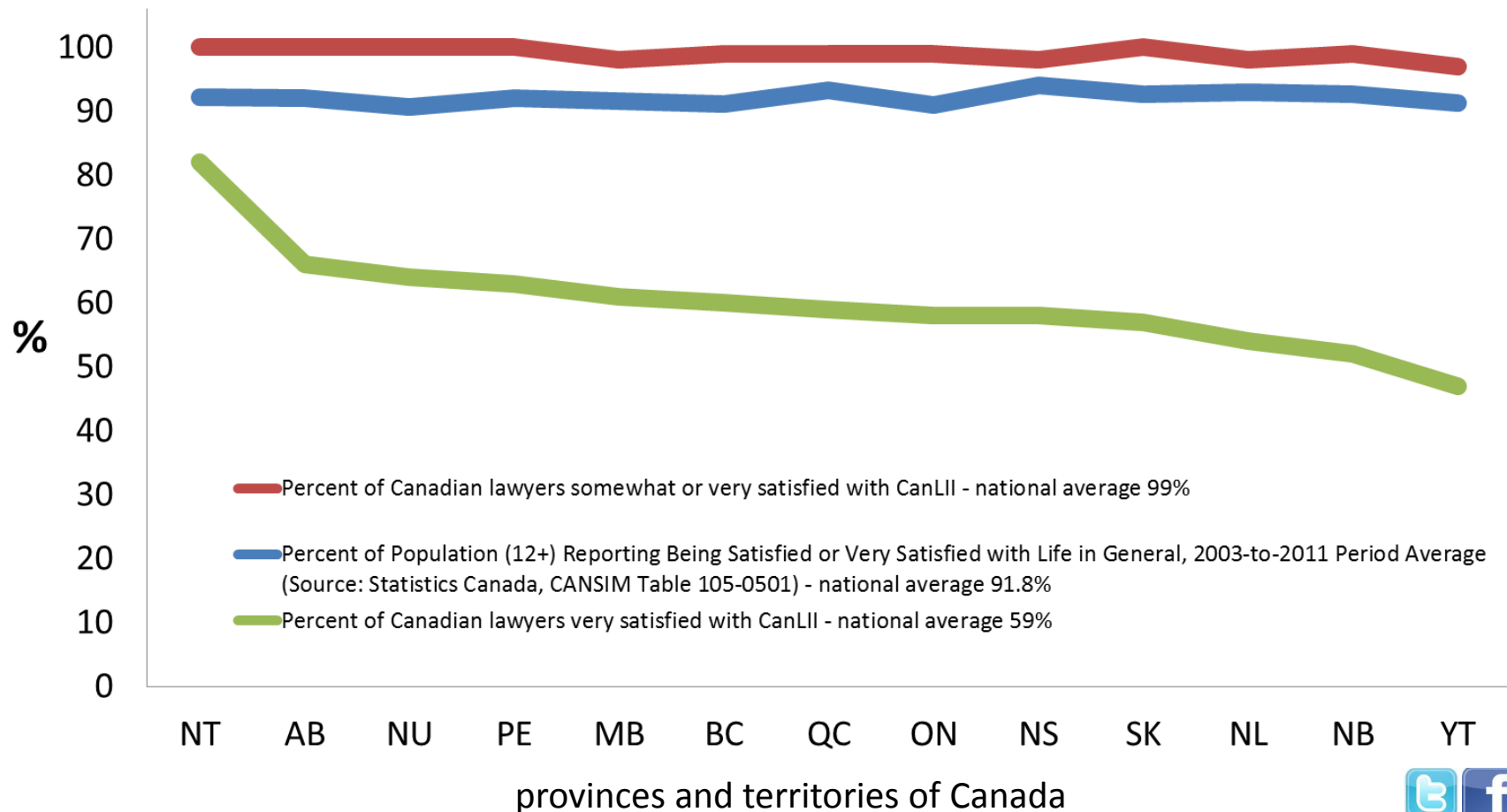
Does lawyer satisfaction with CanLII make for a happy and satisfied country?

Or are Canadians just easy to please?



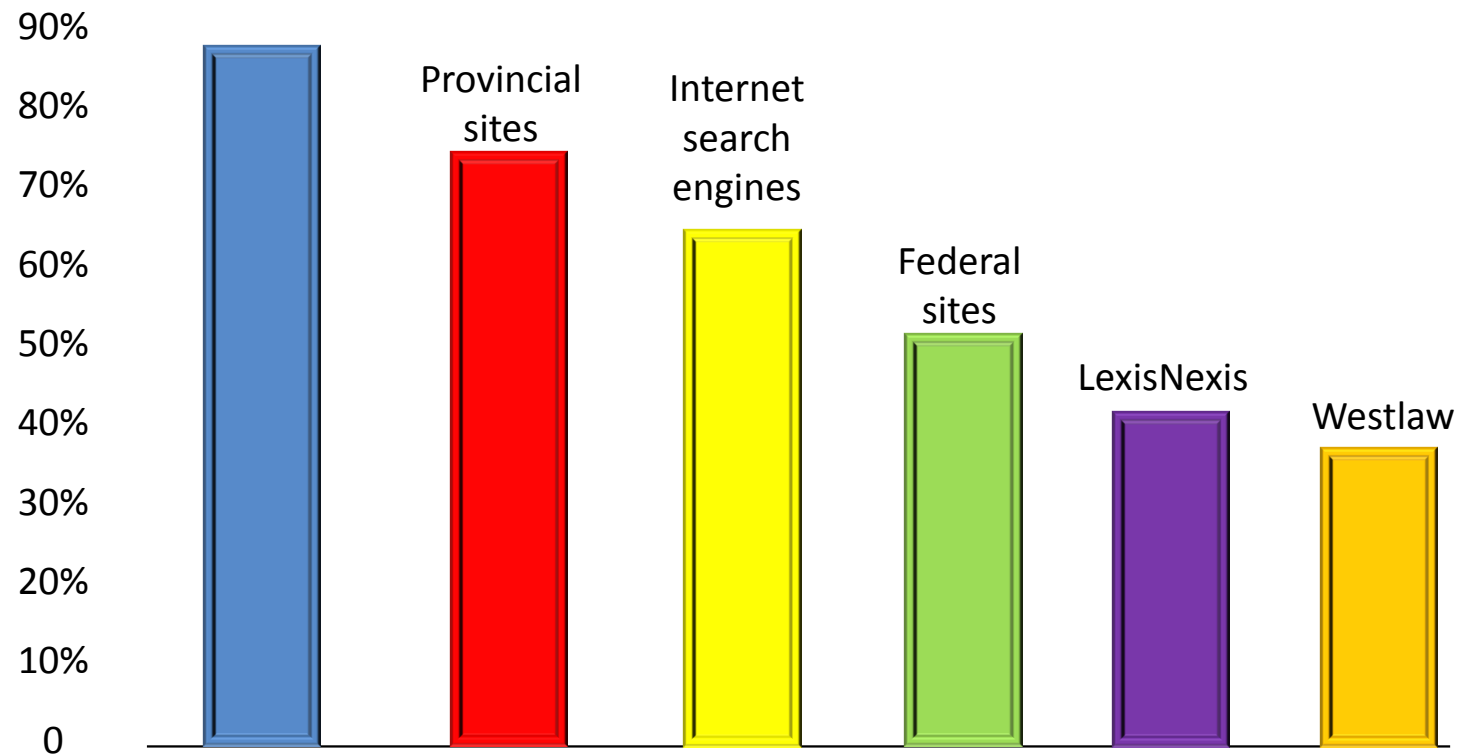
Does lawyer satisfaction with CanLII make for a happy and satisfied country?

Or are Canadians just easy to please?



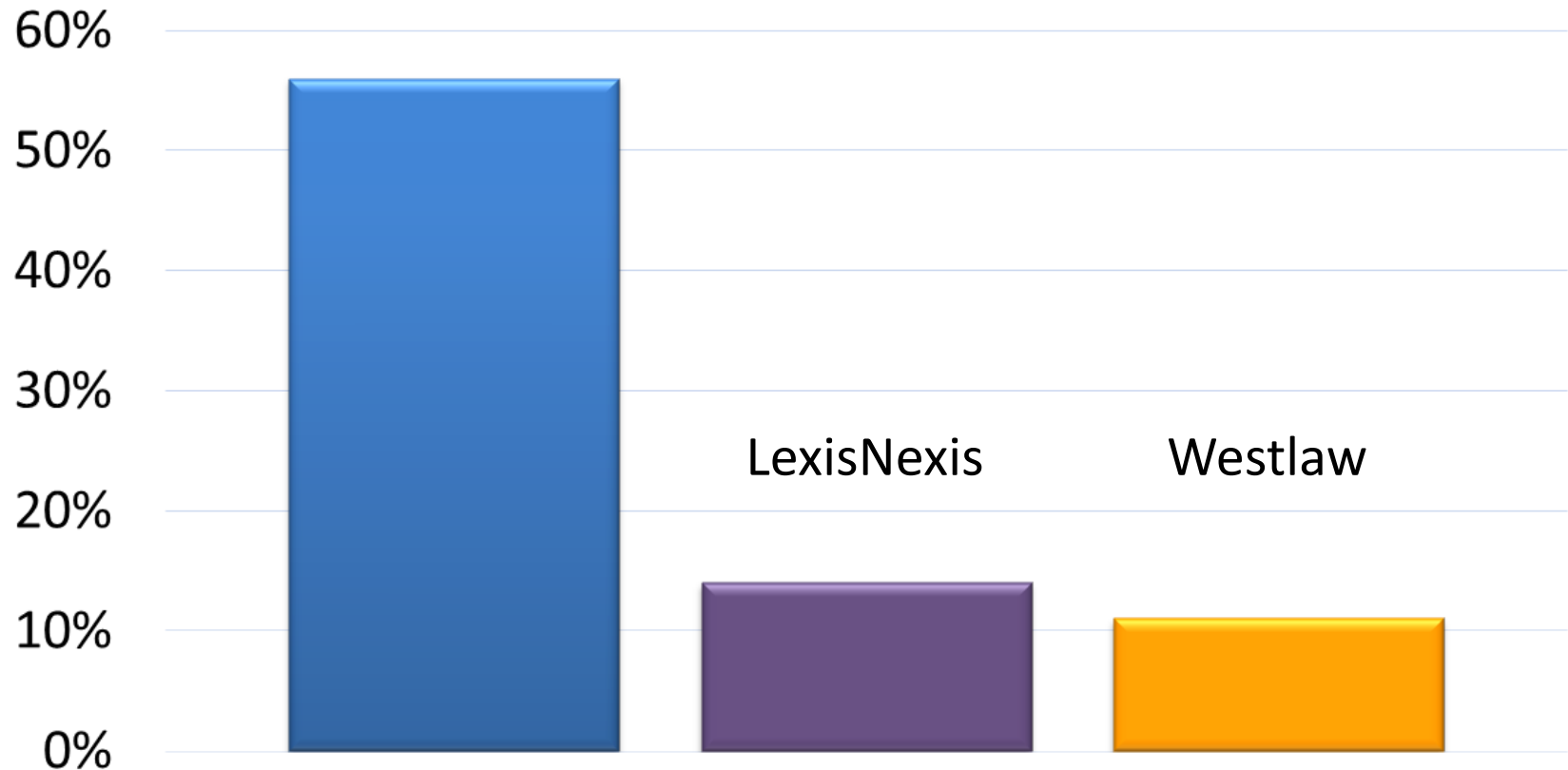
2012 Poll of Canadian lawyers: on which online sites have you conducted legal research in the past 12 months?

n=4292



2012 Poll of Canadian lawyers: when researching case law, which online source do you consult first?

n=4292



From survey: Top 3 areas for improvement



- Improved search functionality
- Comprehensive case collections
- Addition of secondary sources, topic databases and other explanatory aids

Top 3 initiatives to address lawyer interests within current plan



- Improve search
- Expand content
 - “Comprehensive” primary law coverage
 - Selected secondary source coverage
- Expand community

CanLII⁷⁸

19



Pursuing comprehensive court collections



“comprehensiveness” is a moving target and a function of the following factors:

- **Historical coverage period** – what start date for coverage is commensurate with the degree of professional reliance on historical decisions? How does it vary based on court level?
- **Completeness within a coverage period** – must a collection include all decisions, all reported decisions, or some other objective?
- **Leading decisions outside the coverage period** – how to identify and collect significant decisions outside the coverage period?

Judgments and Deliberations of the Sovereign Council of New France, 1663 to 1675, v. I, page 117



— 117 —

LOU'S COUILLARD SIEUR DE LESPINAY demandeur en requeste
Jacques BILLAudeau et Antoine POUPIN dict LA CHANCE defendeurs
Après que le demandeur a conclu à ce que les defendeurs soient con-
damnez luy rendre un original qu'il a leué et que Claude Guyon son associé
a tûé, lequel original les defendeurs ont pris et enleué. Et que par les de-
fendeurs a esté dict qu'à la requeste du demandeur ils ont esté assignez à
comparoir en ce Conseil par exploit de Bouchard sergent de la seigneurie
de Beaupré en date du six des presens mois et au qu'on pretend estre en
vertu d'une requeste respondre par Monsieur le gouverneur le quatre du
dict present mois dont ils n'ont rien veu. Et qu'ils demandent estre renvoyez
pardenant le juge pretost de Beaupré leur juge naturel pour toutes choses,
jusqu'à ce qu'il aye plu au Roy establir des officiers pour les Eaux et forests,
et demandent despens et acte de leur dire. Ouy le procureur general du
Roy LE CONSEIL a ordonné et ordonne que les parties procederont au prin-
cipal en ce Conseil sans tirer à consequence pour estre reiglez.

ET A L'INSTANT le dict Billaudeau a dict qu'ayant leué un original dans
les bois qu'il a poussé et fait descendre sur la grane et iceuluy poursuiuy
jusqu'à ce que le dict Guyon qui s'estant rencontré audenant l'auroit tûé
à coup de fusil pourquoy il en auroit en la teste de laquelle il se seroit bien
contenté. Et ne sçait ce que le demandeur veut dire n'ayant point paru que
le lendemain.

Parties ouïes et de leur consentement LE CONSEIL les a mises hors de
Cour et de proces sans despens %.



Foray into secondary sources: Organizing and integrating case summaries and opinions

(April 2014)



COURT OF QUEEN'S BENCH

Apr 4,
2014

Meads v. Meads, 2012 ABQB 571 (CanLII)

Share on:
Facebook
Twitter
Email
Print

[See full case on CanLII](#)



See
related
content

1 COMMENTARY



Add your own commentary



by **Jonnette Watson
Hamilton — ABlawg**
Mar 27, 2014



The Organized
Pseudolegal
Commercial
Argument (OPCA)
Litigant ...

1 | CONCUR



Colin Lachance commented
4 days ago

Amazing to see the influence of

1 SUMMARY



Add your own summary



by **JSS Barristers**
Mar 19, 2014



Summary of Meads
v. Meads

1 | CONCUR

[Read the full Summary](#)

FILTER BY:

All authors -

All publishers -

Default sort -



Building a community of contributors



Please fill out your profile to create your account:



Drag & drop
your photo
above, or:

Choose file

Full name

jdoe@example.com

Password

Confirm password

Bio – a few words about yourself

Add links to other networks & sites to your profile:

Choose an account ▼

☒ Make my profile public

CONNECT OTHER ACCOUNTS
TO LOG IN WITH:



CONNECT WITH LINKEDIN



CONNECT WITH FACEBOOK



CONNECT WITH TWITTER



CONNECT WITH GOOGLE

If you're a member of an organization, select
or enter them here:



Find your Publisher ▼

Building a community of innovators through the CanLII API (March 2013)



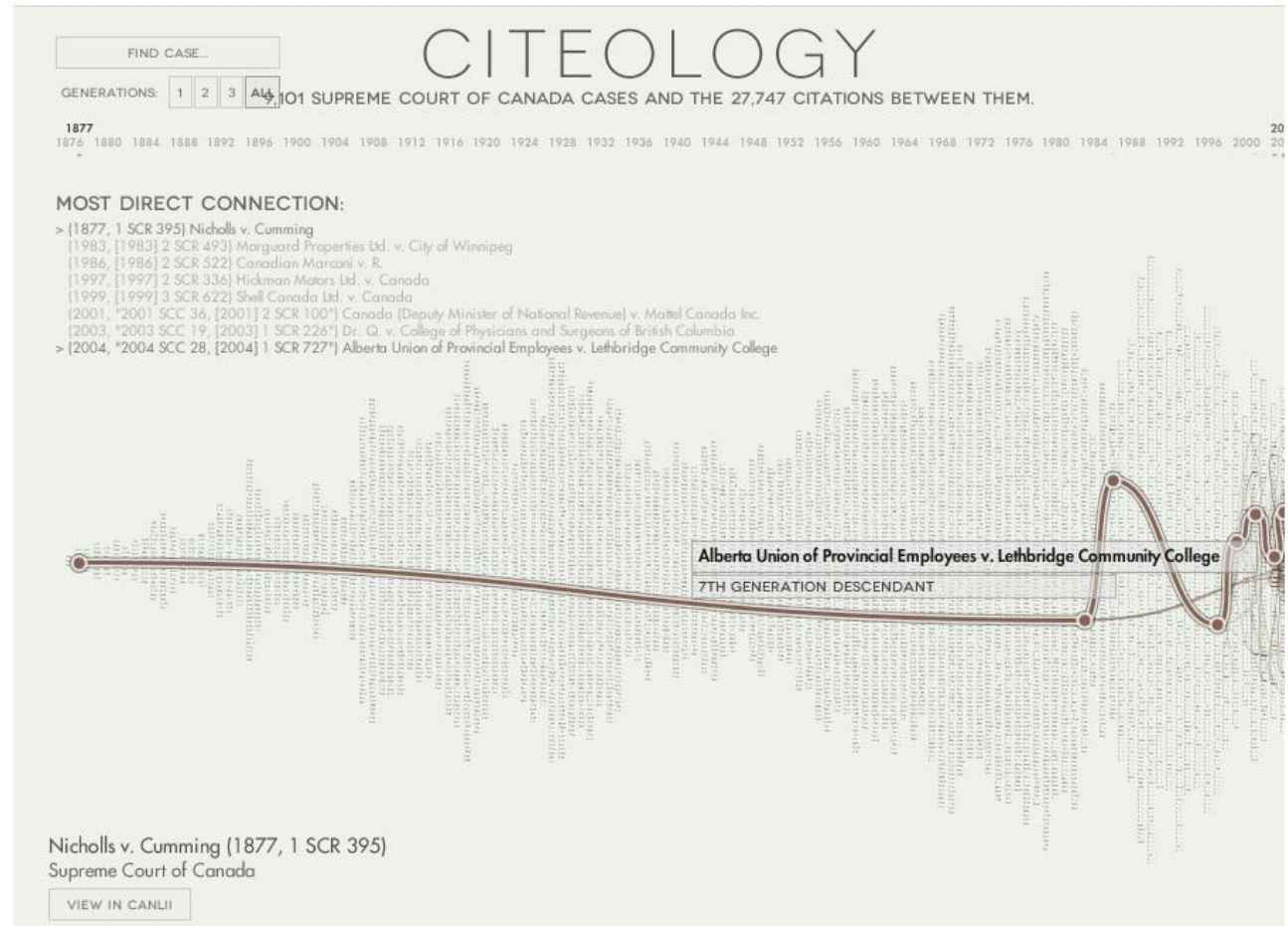
By supplying
content like
this:

https://api.canlii.org/v1/caseBrowse/en/abwcac/2013canlii8673/?api_key=1234567890

```
{  
  "databaseId": "abwcac",  
  "caseId": "2013canlii8673",  
  "url": "http://canlii.ca/t/fw90n",  
  "title": "Decision No: 2013-0155",  
  "citation": "2013 CanLII 8673 (AB WCAC)",  
  "language": "en",  
  "docketNumber": "2013-0155; AC0695-12-53",  
  "decisionDate": "2013-02-26"  
}
```

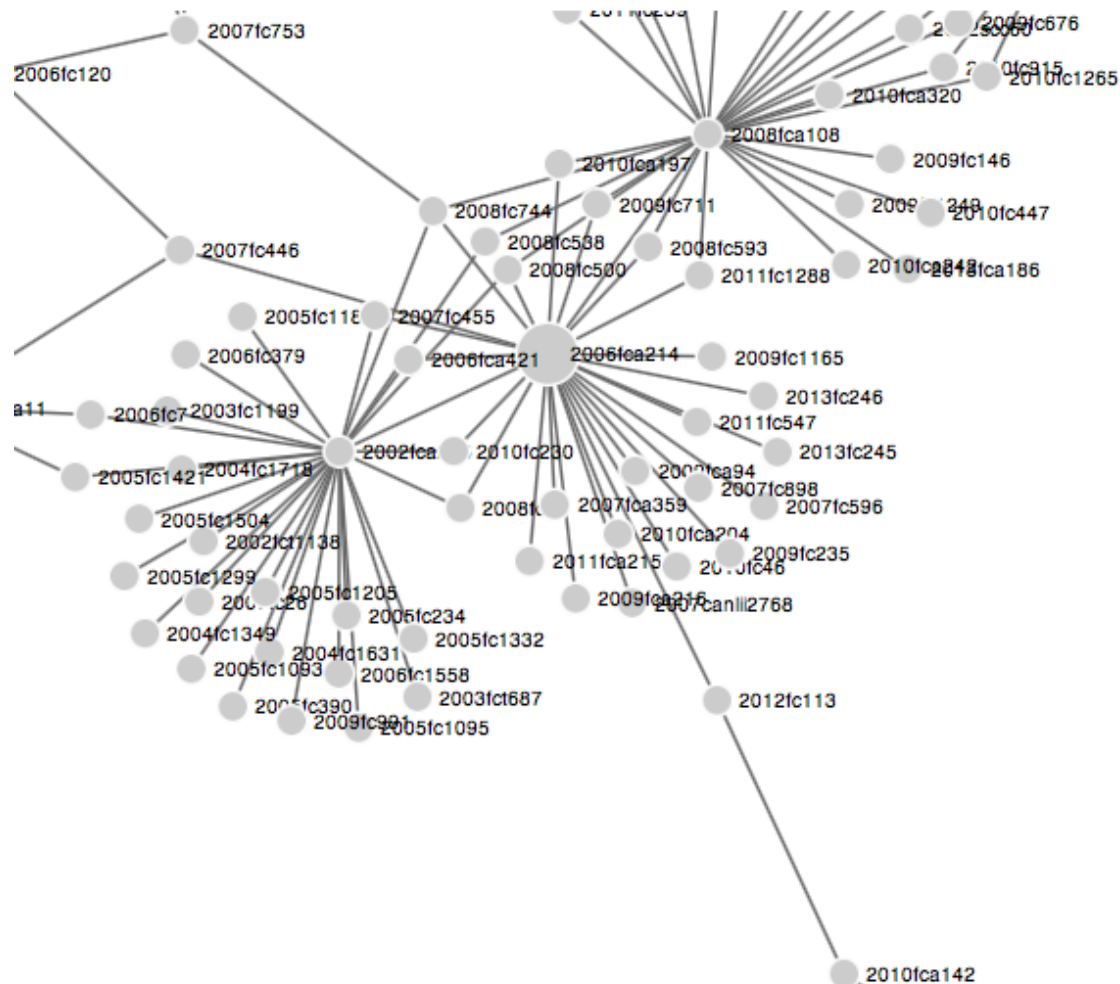


Anyone can
build
something
like this:



Building a community of innovators

Or this:



Or this:

CommonCases

Which citations do your cases have in common? Paste up to ten CanLII URLs for your cases below and then click find!

CanLII URL 1

CanLII URL 2

CanLII URL 3

CanLII URL 4

CanLII URL 5

Built with THE CANLII API

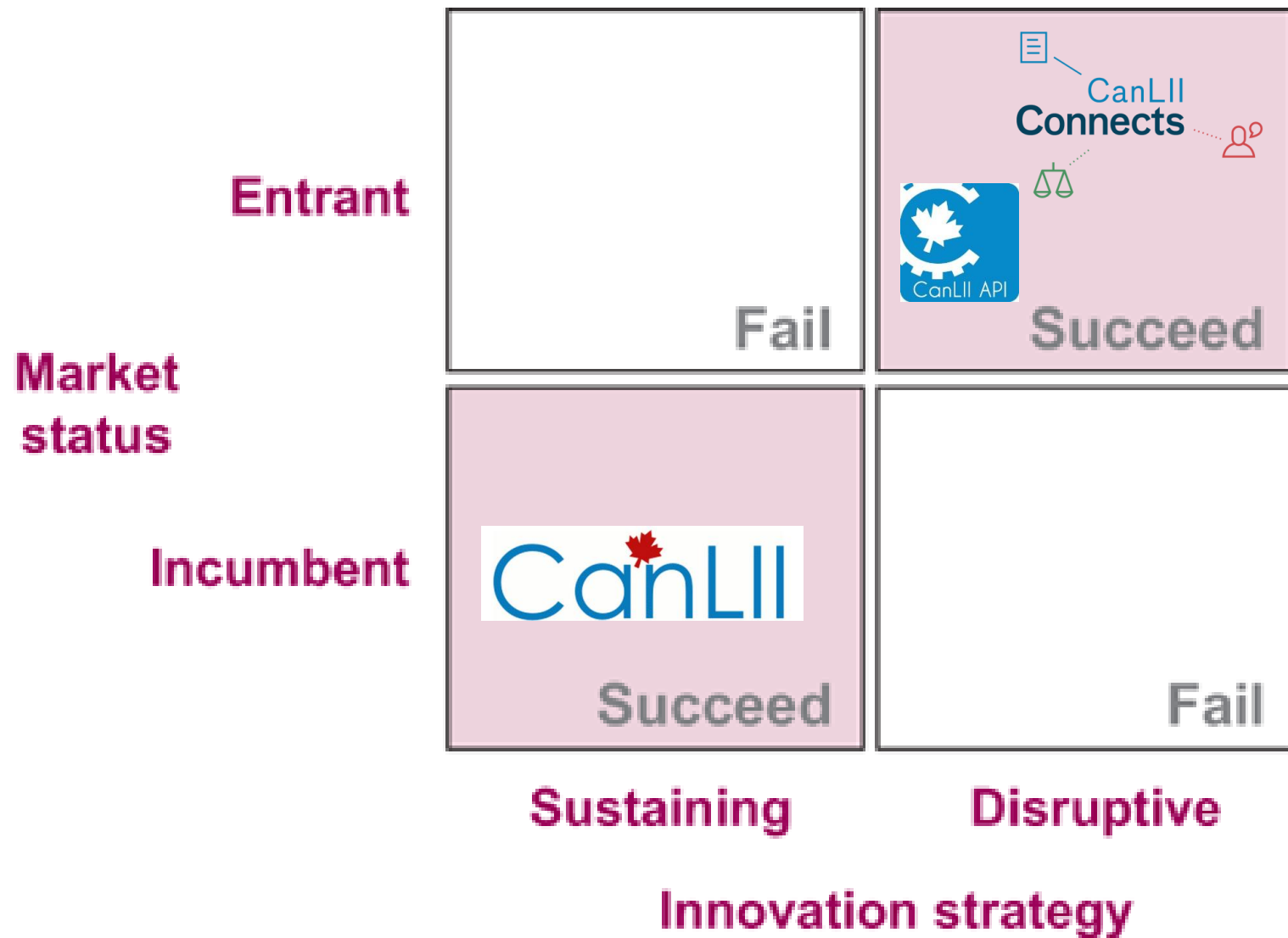
More CanLII Tools:

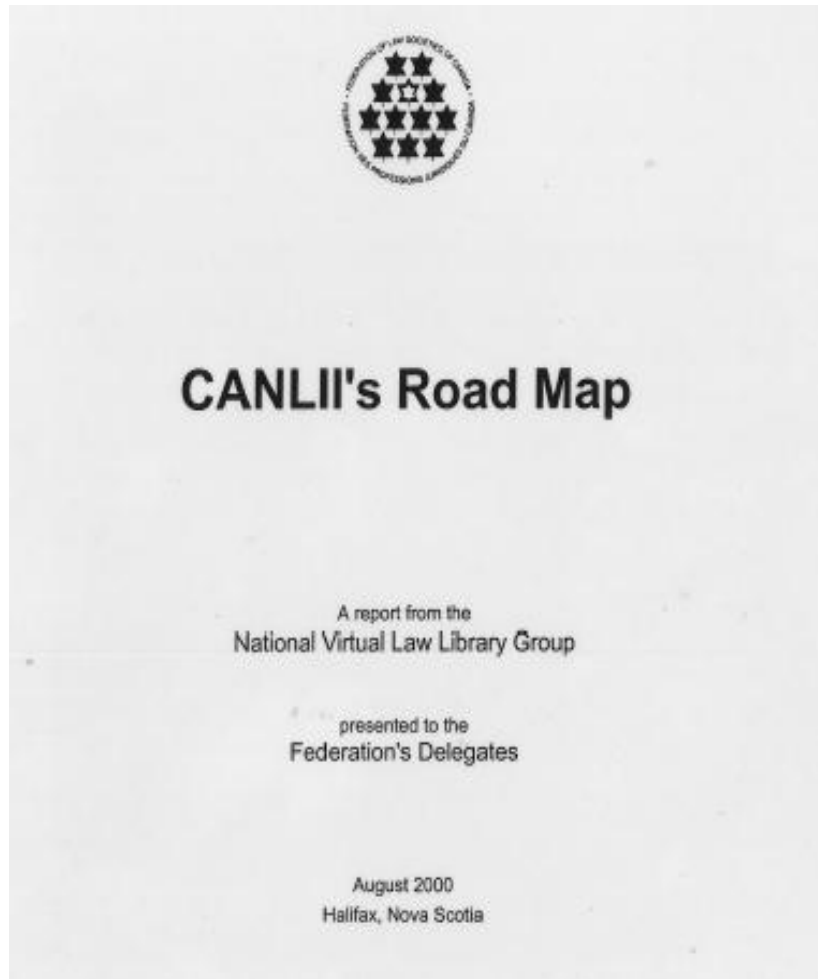
Browser Plugins

Open related cases straight from your browser - even if the news article or document you're reading doesn't provide the links for you. Just highlight, right click and search.

Auto Link a Document

Automatically adds hyperlinks to legislative and case citations corresponding to materials posted on the CanLII website, into your





“In sum,
CanLII’s
mission is to
become the
best place to
consult
Canadian law.”

*In truth, this is potentially
the beginning of a complete
and interconnected law
network.*

[Toward a Business Plan for a Canadian Virtual Law Library, March 2000]





THANK YOU

Click below to find and follow



bonus material: fun facts

CanLII 2012 lawyer survey – ensuring alignment between priorities and user need



The purpose of the study was to assess the extent of CanLII's success in meeting client needs, and solicit or derive recommendations for improvement

The study consisted of both in-depth interviews with senior representatives of the 14 provincial and territorial law societies, and an online survey of law society members (4,326 people completed the survey)

Strong alignment across law society executives on the following points:

- the future of legal research is online
- public access to legal resources is important
- CanLII should evolve to a broader base of “one-stop-shopping” for legal research services.

59% of lawyers rated themselves “very satisfied” with CanLII and only 1% expressed a lack of satisfaction

Top areas for improvement are:

- Improved search functionality
- Comprehensive case collections
- Addition of secondary sources, topic databases and other explanatory aids



How often do you conduct legal research yourself (i.e., on your own)?

	All n=4292	Lawyers under 35 n=1154
• frequently	63%	76%
• occasionally	29%	21%
• rarely	7%	3%
• never	1%	0%

For research you did yourself in the past 12 months, which resources did you use most often?

• Online resources	78%	86%
• Print or offline resources	3%	0%
• Used both about the same	20%	14%

use and preference: CanLII is the “go-to” site for B.C. lawyers



All B.C.
n=667

Outside
Vancouver
and
Victoria
n=186

Which resources have you used to research legal information in the past 12 months?

• CanLII	90%	91%
• Provincial court/legislative sites	82%	82%
• Internet Search engines	65%	57%
• Federal court/legislative sites	53%	40%
• Quicklaw	50%	44%
• Westlaw	33%	34%

When looking for case law, which resource do you consult first?

• CanLII	60%	63%
• Quicklaw	17%	17%
• Provincial sites	9%	9%
• Westlaw	6%	6%
• Internet search engines	4%	3%
• Federal sites	1%	1%

When looking for legislation, which resource do you consult first?

• Provincial sites	40%	40%
• CanLII	34%	38%
• Federal sites	5%	3%
• Internet search engines	11%	10%
• Quicklaw	4%	4%
• Westlaw	2%	3%



REDACTED MATERIALS

REDACTED MATERIALS