THE LAW SOCIETY OF BRITISH COLUMBIA

MINUTES

MEETING:	Benchers	
DATE:	Friday September 7, 2007	
PRESENT:	Anna Fung, QC, President	Barbara Levesque
	John Hunter, QC, 1st Vice-president	Jan Lindsay
	Gordon Turriff, QC, 2nd Vice-president	Thelma O'Grady
	Rita Andreone	June Preston
	Kathryn Berge, QC	Robert Punnett
	Joost Blom, QC	David Renwick
	Ken Dobell	Glen Ridgway, QC
	Ian Donaldson, QC	Richard Stewart
	Leon Getz, QC	Dr. Maelor Vallance
	Gavin Hume, QC	Art Vertlieb, QC
	William Jackson	James Vilvang, QC
	Patrick Kelly	Ken Walker
	Terry La Liberté, QC	David Zacks, QC
	Bruce LeRose, QC	
NOT PRESENT:	Carol Hickman	Dirk Sigalet, QC
	Allan Seckel, QC, Deputy AG	Ronald Tindale
STAFF PRESENT:	Tim McGee, CEO	Bill McIntosh
	Stuart Cameron	Jeanette McPhee
	Brad Daisley	Doug Munro
	Su Forbes, QC	David Newell
	Jeffrey Hoskins	Alan Treleaven
	Graeme Keirstead	Adam Whitcombe
	Howard Kushner	Carmel Wiseman
	Michael Lucas	
	Melissa McConchie	
GUESTS:	Dean Andrew Petter, University of Victoria	
	Ken Walton, President, CBABC	
	Caroline Nevin, Executive Director, CBABC	
	Johanne Blenkin, Executive Director and Chief Librarian, BCCLS	
	Rose Keith, President, Trial Lawyers Association	

1. MINUTES

The minutes of the meeting held on July 13, 2007 were adopted as corrected.

2. CONSENT AGENDA

The following resolutions were passed unanimously and by consent:

Resolved: to authorize the President to vote on behalf of the Law Society in favour of the Federation of Law Societies budget and levy increase to $15 per FTE member.

Resolved: to appoint David Crossin, QC and Richard Schwarz as directors of the Legal Services Society of British Columbia for two year terms commencing on September 7, 2007 and ending on September 6, 2009.

Resolved: to amend the Law Society Rules by rescinding Rule 4-13(1)(b) and substituting the following:

> *(b) not more than 90 days after the direction that it be issued, unless the Discipline Committee or the chair, vice-chair or another Bencher member of the Committee otherwise directs, and*

Resolved: to appoint Anna Fung, QC and John Hunter, QC to the Queens Counsel Advisory Committee for 2007.

3. PRESIDENT'S REPORT

Ms. Fung reported that staff lawyer (Policy and Legal Services) Kuan Foo had left the Law Society to return to private practice, and Discipline Counsel Brian McKinley had decide to leave the Law Society and return to Crown Counsel. She said both staff members would be missed.

Ms. Fung reported that she attended a press conference with the Friends of Simon Weisenthal Centre to receive an award on behalf of the Law Society recognizing its contribution to the Lawyers Without Rights exhibit and forum. She thanked Law Society staff members Brad Daisley, Melissa McConchie, Bill McIntosh, and Barbara Buchanan for their work.

Ms. Fung reported that she had attended a meeting of the International Affairs Committee of the Federation of Law Societies. She circulated a memorandum from the Chair of that Committee, Tim Killeen regarding discussions with officials of the Services Trade Policy Division of Foreign Affairs and International Trade Canada. Ms. Fung reported that staff member Michael Lucas and LSUC staff member Sophia Sperdakos would be preparing comments for review on two issues:

1. Permitting foreign lawyers to establish themselves in Canada, with a view to providing legal services in domestic, foreign and international law, through partnerships and other forms of commercial association with domestic law firms; and employment of domestic lawyers.

2. Permitting foreign lawyers to prepare and appear in legal arbitration and conciliation/mediation proceedings in foreign and international law.

4. CEO'S REPORT

Mr. McGee gave a brief update on the status of discussions with the Queen's Printer regarding free online access to up to date BC statutes. He said through the work of people in the Attorney General's ministry, Wayne Robertson of the Law Foundation, and Johanne Blenkin of the BCCLS, a working group was created. Mr. McGee hoped to have something concrete to report by the end of the year.

Mr. McGee reported that a strategic planning and governance review subcommittee would begin meeting later in September.

Mr. McGee reported on work being done to promote respectful workplaces. The starting point was examining the articling process and the complaints process to make sure the Law Society's

process are as responsive as possible to concerns about harassment. The first product is likely to be a comprehensive article in the Benchers Bulletin.

Mr. McGee reported on new internal communications initiatives, in particular an in house "blog" which has the goal of helping to break down silos by allowing cross-departmental communication.

Mr. McGee reported that he would be attending the International Association of Association Executives. He said it is the best continuing education opportunity for association executives.

Mr. McGee asked Chief Financial Officer, Jeanette McPhee to provide a brief report on the Law Society's finances at the end of the second quarter.

Ms. McPhee briefly reviewed the financial information circulated to the Benchers. She said the Law Society finances were essentially on track. An area of expenditure being monitored is intervention files. TAF programs are on track with respect to expenses, and revenue is slightly ahead of the projection. LIF and Special Compensation Fund are on track.

Mr. McGee asked Chief Legal Officer, Howard Kushner, and Director of Professional Regulation, Stuart Cameron, to report on 2006 results and how they related to the recently adopted key performance measures for professional conduct and discipline

Mr. Kushner and Mr. Cameron reported as follows:

- The frequency of complaints declined from 15.08% in 2002 to 12.99% in 2006.
- 84% of complainants were very satisfied or somewhat satisfied with timeliness of the complaints and discipline process.
- 91% of complainants were very satisfied or somewhat satisfied with courtesy of Law Society staff.
- 62% of complainants were very satisfied or somewhat satisfied with the fairness of the complaints and discipline process (note: 99% of members were satisfied with fairness).
- 62% of complainants were very satisfied or somewhat satisfied with the thoroughness of the complaints process (note: 99% of members were satisfied with thoroughness).
- 59% of complainants would recommend making a complaint. 18% were unsure.

The Key Performance Measures adopted in 2007 were established to maintain and where possible improve on the 2006 results.

- The report also reviewed the disposition of complaints in 2006. Points of note included:
- 90% of complaints were dealt with at the staff level. The remaining 10% were referred to the Discipline Committee for decision.
- 70% of all complaints were closed on the basis that they were withdrawn or abandoned, outside the Law Society's jurisdiction, or did not establish misconduct. A further 10% were resolved or reconciled.
- The greatest number of complaints came from three areas of practice: family (25.7%), civil litigation (22.7%), and real estate (15.6%).
- The Complainants Review Committee reviewed 90 complaints closed by Law Society staff. Of those, 87% did not merit further action.

Mr. Zacks asked how professional conduct department lawyers are assigned to particular files.

Mr. Cameron said each week on a one-week rotation a lawyer or paralegal from the intake group handles incoming matters. That person assigns the less serious files. The more serious files he assigns himself based on the nature of the complaint and the background and expertise of individual staff members.

Mr. Zacks asked what proportion of complaints concern solicitors or commercial work. Mr. Cameron estimated that about 30% of complaints fell into those categories.

Mr. Getz asked if this information was public. Mr. Daisley said most of the information was published in the annual report, which is fairly widely distributed and available on the Law Society website.

Mr. Walker asked how many files went to the BC Ombudsman's office.

Mr. Cameron said he heard from the Ombudsman's office about ten or eleven times per year, and of those matters about seven might be formal complaints. He said the Ombudsman had not taken the Law Society to task with respect to the complaints and discipline process. Mr. Kushner said that historically the Ombudsman's office received about 150 complaints or inquiries per year regarding the Law Society. The Ombudsman has made helpful suggestions but has never made a formal recommendation regarding the Law Society's process.

Ms. Preston noted that a Lay Bencher chairs the Complainants Review Committee and the final letter to a complainant goes out over the Chair's signature. She said the public should know about that process.

Mr. McGee acknowledged staff members Lynn Knights, Ruth Long and Andrea Winograd, who are significantly responsible for implementing complaints reduction strategies.

Mr. Donaldson circulated a memorandum on the idea of ungovernability. He said the Discipline Committee thought there were advantages to a rules-based approach to ungovernability. He said the matter would be referred to the Regulatory Policy Committee for development, leading to a full debate by the Benchers.

Mr. McGee asked Chief Legal Officer, Howard Kushner, and Manager of Custodianships, Graeme Keirstead, to report on implementation of the new in-house custodianship program Report from the Custodianship Department

Mr. Kushner and Mr. Keirstead's report included the following key points:

- The program is on track to meet the stated objectives of bringing custodianships in-house, realizing cost savings, and decreasing the number of existing outside counsel by 50% by the end of 2007 and eliminating the use of outside counsel, except in exceptional circumstances, by the first quarter of 2009.
- Increased use of locums has reduced the proportion of custodianships relating to death or disability.
- The duration of custodianships is projected to decline from 3.7 years as at the end to 2006 to 2.9 years at the end of 2007 and to 1.6 years at the end of 2008.
- The potential cost savings is illustrated by an example where the cost of Law Society staff time was approximately $30,000 less than the cost of same amount of external counsel time.

Mr. Kushner noted that Mr. Keirstead had been either Acting Manager or Manager of the custodianship department for about a year and he had worked very hard and faced a number of challenges. He thanked Mr. Keirstead for his efforts.

Mr. Vertlieb asked whether the anticipated 15% to 20% reduction in the cost of custodianships included the Law Society's overhead costs. Mr. Keirstead said it did. Mr. Vertlieb asked if the anticipated faster completion time for in-house custodianships reflected slower work done by outside counsel as a result of low pay rates. Mr. Keirstead said it was largely a factor of outside counsel being busy with other matters at the same time as custodianships, while in-house lawyers can focus exclusively on those matters, which tends to be more efficient.

Mr. Ridgway noted that the Law Society has the right to recover some of the cost of custodianships and asked what the likely recovery rates were. Mr. Keirstead said that in the past recovery has not been very viable because of the circumstances in which custodianships occur. For short-term custodianships where the member returns to practice there is a higher likelihood of recovering some of the cost.

5. REPORT ON OUTSTANDING HEARING DECISIONS

The Benchers received a report on outstanding hearing decisions.

6. PROFESSIONAL CONDUCT HANDBOOK, CHAPTER 8, RULE 1 and RULE 19

It was moved (Blom/Jackson) to amend the Professional Conduct Handbook, Chapter 8, Rule 1 by adding subrule 1(e.1) as follows:

> *(e.1) make suggestions to a witness recklessly or that the lawyer knows to be false.*

The motion was carried.

It was moved (Blom/Jackson) to amend the Professional Conduct Handbook, Chapter 8, Rule 19 by rescinding the rule and replacing it with a new Rule 19 based on the Federation of Law Societies' Model Code, as follows:

> *19 A lawyer shall not stand bail for an accused person for whom the lawyer acts.*
>
> *Commentary: A lawyer may stand bail for an accused who is in a family relationship with the lawyer where the accused is represented by the lawyer's partner or associate.*

Mr. Donaldson commented that the American Bar Association model is very different and adopting it would be disastrous. His concern with the proposed amendment was that "standing bail" is not a commonly used term in BC. He understood the intention to be that a lawyer ought not use his or her own money as bail for a client, but there should not be a problem with lawyers receiving money from others for the purpose of posting bail for a client. The rule needs to be clear on what "standing bail" means.

Mr. Hunter asked if there was commonly used terminology that would clarify the intent of the rule. Mr. Donaldson said that the term "post bail" was used but included depositing bail money obtained from another person on behalf of the client.

Mr. Turriff was persuaded by Mr. Donaldson but said it was still important to be respectful of the model code. He suggested a footnote to clarify what is meant by "standing bail" would be helpful.

Mr. LaLiberté drew a distinction between acting as surety and posting bail. Bail money on deposit is deemed to be the client's money. The objective of the rule is to avoid the implication that a lawyer is lending money to the client or acting as a bail bondsman.

Mr. Walker supported the proposed amendment with a footnote to clarify that "standing bail" means acting as a surety for the client either with or without a deposit.

Mr. Donaldson agreed that it should be very clear that a lawyer must not lend money to the client to post bail.

The motion was withdrawn and it was agreed to refer the matter back to the Ethics Committee to incorporate the suggestions for a footnote.

7. PROPOSED AMENDMENTS TO THE *LEGAL PROFESSION ACT*

Mr. Hume said the Regulatory Policy Committee had received advice that non-controversial amendments to the Legal Profession Act might be included in a Miscellaneous Statutes Amendment Act in 2008. He said the committee considered three such amendments. The first deals with the ability of a hearing panel to suspend a lawyer pending compliance with a regulatory requirement, such as responding to a Law Society inquiry. The second concerns the maximum fine that a hearing panel may levy against a lawyer or articled student. The third concerns the right of applicants or respondents to have a hearing panel's decision on costs reviewed by the Benchers.

It was moved (Hume/Zacks) to seek amendments to:

1 section 38 of the Legal Profession Act to permit a hearing panel to suspend a lawyer pending compliance with a condition, and to increase the maximum fine a hearing panel can impose on a lawyer to $50,000 and on a student to $5000; and

2 section 47 of the Legal Profession Act to allow and applicant or respondent to apply to the Benchers for a review of a hearing panel decision on costs.

Mr. Vilvang favoured increasing the maximum fine to $100,000. He thought the public would support it. He noted the large fines that could be imposed on registered nurses who generally make less money than lawyers. He commented that a large fine might be particularly appropriate when a lawyer's misconduct involves money.

Mr. Hoskins noted that the advice from government relations consultants was that controversial amendments would not be included in a Miscellaneous Statutes Amendment Act and would not, therefore, be available in 2008. A relatively small increase in the maximum fine would probably not be controversial, but a large increase would be.

Mr. Getz said it was difficult to justify any particular amount, consequently he favoured the status quo.

Mr. Walker also supported the status quo. He noted that a hearing panel has the ability to decide if misconduct warrants more than the maximum fine and can impose a suspension. He said the prospect of a very large fine could reduce members' willingness to make admissions.

Mr. Hunter spoke against the status quo. He said the current maximum fine was put in place fifteen years ago and was no longer appropriate. He noted that it was not a minimum fine and did not bind a panel, but gave the panel the tools to deal with anomalous cases where a large fine is not only warranted but a more appropriate penalty than a suspension.

Mr. Donaldson agreed with Mr. Hunter. He said there are some cases where a large fine is more appropriate than a suspension because the lawyer's actions were largely money driven. He said the Law Society should avoid the situation where a lawyer benefits from misconduct because the fine is too small.

Mr. LeRose was concerned that increasing the maximum fine by 150% was disproportionate. He said increasing the range of available fines would increase the average amount of all fines and could create harsher penalties in cases that are not the anomalous ones mentioned by Mr. Hunter and Mr. Donaldson.

Mr. Zacks said his view was that the change would simply create more flexibility for hearing panels to craft appropriate penalties.

Mr. Kelly said that from his perspective it would run against the Law Society's public interest role if it is not prepared to even match the consequences available to other professions.

Mr. LaLiberté said the current principle applied in criminal law is that fines are not imposed that are beyond the person's financial means. As long as the maximum fine is not being used as a back door to force someone from the profession, it is acceptable.

The motion was carried.

Mr. Turriff and Mr. Renwick did not participate in the discussion of this matter and did not vote.

8. PRACTICE STANDARDS RULES

Mr. Hume reviewed a memorandum setting out options for rules empowering the Practice Standards Committee to make orders imposing conditions and limitations on lawyers' practices, pursuant to amendments to the *Legal Profession Act* made earlier in 2007. The first option would allow the Practice Standards Committee to impose conditions and limitations from an enumerated list of categories, but would allow other conditions and limitations of the same sorts because the power includes but is not limited to the items in the list. While constraining the discretion of the Practice Standards Committee to an extent, it would give lawyers some notice of the type of orders that the Committee might impose. The second option contains no express restriction on the power of the Committee to impose conditions and limitations. This would afford the Committee the broadest discretion to exercise its judgment within the bounds of the general common law of natural justice. Mr. Hume said the Regulatory Policy Committee preferred the first option, but the Practice Standards Committee preferred the second option.

It was moved (Hume/LeRose) to amend the Law Society Rules as set out in Option 1 in Appendix A.

Mr. Zacks said the Practice Standards Committee preferred option two because it was not convinced that the detailed list of conditions and limitations in option one would not effectively limit the scope of what the Committee could do. If option one is not intended to be limiting, it is not necessary to include the detailed descriptions of conditions and limitations that might be ordered, which is the essence of option 2.

Mr. Punnett said the Practice Standards Committee preferred the clarity of option two but it would be acceptable to publish somewhere else guidance on the kinds of conditions and limitations that might be imposed.

Ms. Andreone preferred option one, but suggested option two with a footnote for guidance as an alternative.

Mr. Vilvang thought the guidance was more for the benefit of hearing panels and counsel and often facilitated agreement prior to a hearing. He thought the words "not limited to" in option one were sufficiently clear to prevent an unduly restrictive interpretation.

Mr. Zacks noted that the Law Society did not footnote the Rules, but guidance could be published in the Benchers Bulletin.

The motion was defeated.

It was moved (Zacks/Jackson) to amend the Law Society Rules as set out in Option 2 in Appendix A.

The motion was defeated.

Mr. Zacks noted that the Law Society persuaded the Legislature to amend the Legal Profession Act to permit the Practice Standards Committee to impose conditions and restrictions, and it would look foolish if it failed to pass rules to implement that power.

Mr. Turriff said the advantage of option one is that it is not didactic but tells a story.

Mr. Punnett asked if there was law supporting the argument that the list of kinds of conditions and limitations would limit the scope of permissible orders. Mr. Hoskins said the *ejusdem generis* principle might be applied to restrict permissible orders to conditions and limitations of like kind to those in the list.

Mr. Hume thought it was preferable to have the guidance, noting that the *ejusdem generis* principle would not confine orders to the conditions and limitations specifically described in the list, but to conditions and limitations of the same kind, which would be quite broad in scope.

Mr. Donaldson agreed with Mr. Zacks that respondents, counsel and Law Society staff should be made aware of the kinds of things the Committee might order.

Ms. Lindsay said that as between the options she favoured option one because it provided greater transparency.

Mr. Zacks said the difference between option two and the current practice is that it would allow the Practice Standards Committee to make orders. Currently the Committee makes decision all the time that reflect the things listed in option one, although they are not enforceable as orders, without any formal notice to members in the Rules. No one has accused the Committee of not being transparent with respect to the kind of decisions it might make. The only difference is that the new Rule would make the decision an enforceable order.

Mr. Hunter said he had supported option one but it appeared that he might not have given sufficient weight to the views of the Committee that must carry out the Rule. He said the matter could always be revisited if there is a problem.

Mr. Getz said that if there is nothing that prevents the Practice Standards Committee from issuing an interpretation bulletin, then the argument for option two is compelling.

Mr. Blom was concerned that both options appeared to make the powers of compulsion broader than the existing powers of recommendation.

Mr. Hume said that would be his point. The powers of recommendation are set out with some specificity, providing a parallel to option one.

It was agreed to reconsider the motion to amend the rules as set out in Option 1 of Appendix A.

The motion was carried by a majority of more than two thirds of the Benchers present.

9. LAW SOCIETY COMMENTS ON THE DRAFT RULES OF COURT PREPARED BY THE JUSTICE REVIEW TASK FORCE.

Mr. LaLiberté reported that the Access to Justice Committee had reviewed the draft Rules of Court prepared by the Justice Review Task Force and concluded that they did not appear to impact access to justice either positively or negatively. The Committee was aware that the Trial Lawyers Association and the Canadian Bar Association were both preparing detailed submissions, which the Committee believed would cover such comments as the Law Society might make. The Committee noted that the draft Rules were not in plain language and for that reason might fail to accommodate lay litigants.

Mr. Turriff suggested that the Access to Justice Committee's view of the potential impact or lack of impact on access of justice could be interpreted as a complete rejection of the draft, given the stated intention of the Justice Review Task Force to increase access to justice.

Mr. LaLiberté said the Committee did not intend that interpretation but simply concluded that the draft rules did not appear to be much more than tinkering with the existing rules.

Ms. Berge said she was invited to participate in a panel discussion of the draft rules at which these topics were raised and discussed broadly. The response was that there is a real desire to get more into a case management system, and the changes to the rules are intended to facilitate that. The main challenge is the small window of opportunity in 2008 to get legislation passed. A wholesale revision of the rules is a long-term project.

Mr. Turriff suggested that the matter be put on the Executive Committee agenda for further consideration.

10. PROFESSIONAL CONDUCT HANDBOOK CHAPTER 11, RE CERTIFIED CHEQUES

Mr. Blom said this matter had been discussed on several occasions. The current Handbook provides that a trust cheque is deemed to carry the solicitor's undertaking that it would be certified if presented for that purpose. This is intended to make the trust cheque like cash. However, banks do not treat trust cheques that way, requiring them to clear like any other cheque. The Ethics Committee recommends a footnote to Chapter 11 and a number of changes to Chapter 11 to clarify lawyers' responsibility to other lawyers.

It was moved and seconded to amend the Professional Conduct Handbook as set out in Appendix B.

Mr. Zacks was opposed to the proposed footnote because it puts the risk on the receiving lawyer of failure of a cheque to clear as a result of banking rules. He noted that the Law Society's trust accounting rules say that if a trust deposit is not received in the form of a certified cheque, bank draft or cash, a trust cheque should not be drawn on the account until the lawyer is satisfied that the trust cheque has cleared. If the cheque is coming from somewhere other than where the receiving lawyer practices, it may not be possible to have it certified in time to close a transaction.

Ms. Andreone agreed with Mr. Zacks, and added that the standard form contract of purchase and sale of real estate does not currently provide for certified cheques but would almost certainly be changed to require them if the Handbook is changed.

Mr. Getz said it was not clear why it is improper to impose an obligation on a lawyer not to pay funds out of trust unless the funds are there, and if a different arrangement is needed, then arrangements can be made.

Mr. Zacks said the point was that the proposed footnote would mean that the receiving lawyer would not be able to require a certified cheque but would not be able to pay out until the cheque clears the banking system.

Mr. LeRose said it was difficult to argue against Mr. Zacks' position but for the fact that along with the trust cheque goes an undertaking, so that if there is a problem with the cheque clearing, it is the issuing lawyer's problem not the receiving lawyers' problem. In the end the cost of certification will be passed on to the client.

Mr. Punnett understood that part of the problem was the difficulty for the receiving lawyer to certify the cheque. He agreed with Mr. LeRose that a lawyer must be certain the money is in the trust account before writing a cheque against it and that is why he insisted that clients bring him certified funds for deposit to his trust account. If sole and small firm practitioners are required to certify cheques on real estate transactions, it will bring everything to a grinding halt.

Ms. Andreone thought the footnote should specify that lawyers should give consideration to the difficulties the sending lawyer will have in certifying funds, and should not capriciously require certified funds.

Mr. Vertlieb said the Small Firm Task Force was aware of Mr. Zacks' arguments but was concerned about the insult felt by members when their trust cheque is not accepted without certification. If the proposed change prompts a change to the standard form real estate contract, then much of that problem will be dealt with.

The motion was carried.

11. REPORT ON TAF AND SPECIAL COMPENSATION FUND FEES AND LOW INCOME CLIENTS.

Mr. Jackson reported that the TAF and Special Compensation Fund Fees task force undertook consultations with respect to the concerns raised by a resolution to the 2006 Law Society AGM by the late Dugald Christie and Bruce Fraser (the "Christie-Fraser Resolutions") regarding the impact of TAF and special compensation fees on lawyers with low income clients. Mr. Jackson said he sought input directly from various pro bono services providers and from others though an online survey. 82 responses (out of possible 10,000) were received and he was, therefore, somewhat reluctant to draw broad conclusions based on results. Those who responded were obviously concerned. Concerns boiled down to the view that there should be an exemption from TAF and Special Compensation Fund fees based on two justifications: lawyers with little or no trust activity are less likely to misappropriate client funds, and tend to have low income clients. Both those premises have factual weaknesses. There are lawyers who have no trust funds but no low-income clients. Conversely, there are lawyers who have low-income clients, but who do hold significant sums of money in trust. The Benchers have discussed in the past whether there should be an exemption from fees based on risk, and have taken the view that all lawyers are in the same boat. If the Benchers set up an exemption to help lawyers with low-income clients, there will likely be fiscal ramifications for Law Society resulting from unintended consequences. The task force recommended that there not be a change to the TAF or the Special Compensation Fund fee because of the philosophical and practical difficulties of doing so. Recommend referring the question of what else the Law Society might do to minimize financial hardship on low-income clients be referred to Access to Justice Committee.

It was moved (Jackson/Zacks):

1. Not to implement the change to the Special Compensation Fund fee and the Trust Assurance Fee proposed in the Christie-Fraser Resolutions; and

2. to refer to the Access to Justice Committee the issue of what other steps the Law Society might pursue to assist low-income clients and the lawyers serving them.

The motion was carried.

12. REPORT ON THE ANNUAL MEETING OF THE CBA

Mr. Jackson gave a report on the events at the annual meeting of the Canadian Bar Association.

13. UPDATE ON CLAIMS AND RECOVERIES IN THE WIRICK MATTER.

The Benchers considered this matter *in camera*.

14. FAMILY LAW MEDIATION SUBCOMMITTEE

The Benchers considered this matter *in camera*.

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