



# Minutes

## Benchers

Date: Friday, May 10, 2013

Present: Art Vertlieb, QC, President  
Ken Walker, QC 2<sup>nd</sup> Vice-President  
Vincent Orchard, QC  
Rita Andreone, QC  
Kathryn Berge, QC  
David Crossin, QC  
Lynal Doerksen  
Thomas Fellhauer  
Leon Getz, QC  
Miriam Kresivo, QC  
Bill Maclagan  
Nancy Merrill  
Maria Morellato, QC  
David Mossop, QC  
Thelma O'Grady

Lee Ongman  
David Renwick, QC  
Phil Riddell  
Greg Petrisor  
Herman Van Ommen, QC  
Tony Wilson  
Barry Zacharias  
Haydn Acheson  
Satwinder Bains  
Stacy Kuiack  
Peter Lloyd, FCA  
Ben Meisner  
Claude Richmond  
Richard Stewart, QC

Richard Fyfe, QC, Deputy Attorney  
General of BC, Ministry of Justice,  
representing the Attorney General

Absent: Jan Lindsay, QC  
Catherine Sas, QC

Staff Present: Tim McGee  
Adam Whitcombe  
Alan Treleaven  
Andrea Hilland  
Bill McIntosh  
Deborah Armour

Jeanette McPhee  
Jeffrey Hoskins, QC  
Lance Cooke  
Robyn Crisanti  
Su Forbes, QC

Guests: Dr. Jeremy Schmidt, Faculty of Law, University of BC  
Chris Axworthy, QC, Dean, Faculty of Law, Thompson Rivers University  
Dom Bautista, Executive Director, Law Courts Center  
Mark Benton, QC, Executive Director, Legal Services Society  
Johanne Blenkin, Chief Executive Officer, Courthouse Libraries BC  
Anne Chopra, Equity Ombudsperson  
Dean Crawford, Vice-President, CBABC  
Donna Greschner, Dean, Faculty of Law, University of Victoria  
Gavin Hume, QC, the Law Society's Representative on the Council of the Federation of Law Societies of Canada  
Marc Kazimirski, President, Trial Lawyers Association of BC  
Jamie Maclaren, Executive Director, Access Pro Bono  
Caroline Nevin, Executive Director, Canadian Bar Association, BC Branch  
Wayne Robertson, QC, Executive Director, Law Foundation of BC  
Ron Friesen, Continuing Legal Education Society of BC  
Yves Moisan, President, BC Paralegal Association

## 1. CONSENT AGENDA

### a. Minutes

The regular and *in camera* minutes of the meeting held on April 5, 2013 were approved as circulated.

### b. Resolutions

The following resolutions were passed unanimously and by consent.

- **Selection of Recipient of the 2013 Law Society Aboriginal Scholarship**

*BE IT RESOLVED to ratify the recommendation of the Credentials Committee to award the 2013 Law Society Aboriginal Scholarship to Robert J. Clifford, and to name Karen L. Whonnock as runner-up.*

- **Selection of Recipient of the 2013 Law Society Scholarship**

*BE IT RESOLVED to ratify the recommendation of the Credentials Committee to award the 2013 Law Society Aboriginal Scholarship to Kathryn Thomson, and to name Megan Kammerer as runner-up.*

- **Role of Tribunal Counsel in Law Society Tribunals**

*BE IT RESOLVED to approve the memorandum by Mr. Hoskins (page 1400 of the meeting materials and Appendix 1 to these minutes) regarding the provision of assistance to hearing panels by the Law Society's Tribunal Counsel.*

## **REGULAR AGENDA – for Discussion and Decision**

### **2. Composition of Review Boards**

Mr. Vertlieb confirmed that two issues are being brought to the Benchers for discussion and decision, with recommendations from the Executive Committee for determining:

- the size and composition of a review board
- a pre-condition for sitting as a member of a review board

Mr. Hoskins provided background, explaining that following recent amendments to the *Legal Profession Act* and the Law Society Rules, Bencher reviews of hearing panel decisions are to be replaced by review boards. He noted that the new legislation and rules do not specify the size or composition of each board. Mr. Hoskins also noted that the new review process does not affect citations that were in progress at the time the new legislation and rules took effect (January 1, 2013).

In the ensuing discussion the importance of public representation on review boards was emphasized, and consensus was reached regarding two related elements of the rationale for the wording of the proposed resolution:

- Benchers should not form the majority on review boards
- appointed Benchers should be counted as Benchers and not as members of the public for the purpose of constituting review boards

A concern was raised that large turnover of Benchers during Bencher elections could cause challenges for the review board process. Mr. Hoskins noted the importance of ensuring that hearing panelist skills training sessions are conducted as promptly as possible for newly elected Benchers.

Mr. Walker moved (seconded by Mr. Renwick) that the Benchers adopt the following resolution:

*RESOLVED* to set the number of members of a review board at seven: one Bencher-lawyer chair, two other Benchers, two non-Bencher lawyers and two members of the public;

*FURTHER RESOLVED* that members of the hearing panel pool be required to sit as a member of at least one hearing panel before sitting as a member of a review board.

The motion was carried unanimously.

### **3. Rules Concerning Trust and Other Client Property – Lawyers Acting as Attorneys and Executors**

Ms. Berge briefed the Benchers regarding concerns raised by some members of the Victoria wills and estate bar regarding difficulties that may be faced by lawyers seeking to comply with the Law Society's current trust rules and honour their fiduciary duties, when their appointment as a personal representative derives from a solicitor-client relationship (such as an executor under a will, an attorney under a power of attorney, or as a trustee). She referred to the Executive Committee's memorandum at page 3000 for detailed discussion of the issues, and particularly to page 3009 for a recommended approach:

After consideration, the recommended approach would be to carve out a definition of "trust property" from the current definition of "trust funds." "Trust property" would define funds and valuables received by a lawyer acting as a personal representative of a person or at the request of a person, or as a trustee under a trust established by a person, if a lawyer's appointment is derived from a solicitor-client relationship. In other words, "trust property" would be separately defined from "trust funds," applied to property that a lawyer holds as a fiduciary from a relationship in which the lawyer is not acting as a lawyer, but where the relationship has been derived from a solicitor-client relationship.

The balance of the trust rules would continue to apply to "trust funds" that a lawyer holds in connection with the solicitor-client relationship. Many of those rules will continue to apply to "trust property" as well. However, some rules would be amended to allow a lawyer to hold or deal with "trust property" in ways more consistent with the trust,

thereby relieving the lawyer from some of the applications of the trust rules that may currently prove impractical or even, in some cases, inconsistent with a lawyer's trust obligations, and that gave rise to the tensions that prompted the analysis of this matter.

Ms. Berge noted that the Trust Assurance, Trust Regulation and Professional Conduct departments, and the Lawyers Insurance Fund were consulted and provided information and feedback to the content of the memorandum.

Ms. Berge moved (seconded by Mr. Maclagan) that the Benchers approve in principle amending the Law Society Rules to address the issues raised in the Executive Committee's memorandum, in the manner of the draft amendments appended to the Committee's memorandum (at page 3013); and that the Benchers refer the matter to the Act and Rules Subcommittee to finalize draft rules to be returned to the Benchers for consideration and approval.

Felicia Ciolfitto, Manager of Trust Assurance and Trust Regulation, noted that the clarification provided by the proposed separation of "trust property" from "trust funds" will be helpful to the Law Society's trust auditors.

Key points raised in the ensuing discussion were:

- It is important to ensure the fairness and practicality of the Law Society's regulatory approach to this matter, while also ensuring the protection of the public interest
- Guidance in the form of considerations noted in commentary to the Rules might be appropriate
- The draft rules appended to the Executive Committee's memorandum are provided for illustration and not intended to restrict the flexibility of the Act and Rules Subcommittee
- Consultation with the profession will be needed to support development of an appropriate set of criteria or considerations

There was a clear consensus to adopt the proposed resolution.

Ms. Berge noted with thanks the valuable contributions of Mr. Lucas, Mr. Hoskins and Ms. Ciolfitto.

#### 4. Ratification of the National Mobility Agreement 2013

Mr. Petrisor briefed the Benchers as chair of the Credentials Committee, referring to the Committee's report (at page 4000) and the National Mobility Agreement 2013 ("NMA 2013") appended to that report (page 4006 of the meeting materials and Appendix 2 to these minutes). Mr. Petrisor reported that Council of the Federation of Law Societies of Canada voted unanimously in favour of a resolution to approve the NMA 2013, for submission to the Federation's member law societies for their approval. If approved and implemented, the NMA 2013 will provide for full, permanent mobility between the Barreau du Québec and the common law jurisdictions.

Mr. Treleaven noted that all the provincial law societies but the Law Society of BC and Nova Scotia Barristers Society have already approved the NMA 2013; and that the territorial societies are governed by the Territorial Mobility Agreement.

Mr. Petrisor moved (seconded by Mr. Walker):

1. That the Benchers approve in principle the National Mobility Agreement 2013 ("NMA 2013"), attached as Appendix A, on the condition that implementation will be subject:
  - a) to Bencher approval of such amendments to the Law Society Rules as are required,
  - b) to resolution of the issues related to liability insurance and the approval of any consequential amendment to the insurance-related NMA 2013 provisions,
  - c) to clarification that law societies will be permitted to require Canadian Legal Advisor applicants to certify that they have read and understood all of the reading materials reasonably required by the law societies, and
  - d) in the case of implementation by the Barreau, to obtaining the necessary approvals by the Office des Professions du Québec and the Government of Québec, and
2. That the Law Society of British Columbia's President or his designate be authorized to execute the NMA 2013.
3. That the Benchers request that the Federation develop as an addition to the NMA reading requirement a guide on the key differences between the legal systems in Québec and the common law jurisdictions for law societies' use.

Mr. Petrisor also reported that at its May 9, 2013 meeting the Credentials Committee unanimously approved the motion for presentation to the Benchers.

In the ensuing discussion the following points were raised:

- the Benchers are being asked to approve the NMA 2013 in principle only , with implementation to be subject to the factors noted in the motion
- credit is due to the Federation for its successful pursuit of the “art of the possible” in developing this agreement
  - surmounting the civil/common law divide has been a great achievement in consensus-building
- all of the Federation’s member law societies except the Law Society of Newfoundland and Labrador, the Law Society of PEI, and the Chambre des Notaries have already approved the Federation’s National Admission Standards Competency Profile
  - development of implementation proposals for the National Admission Standards by the Federation’s member law societies is underway

The motion was carried unanimously.

## **5. 2012-2014 Strategic Plan Implementation**

### **a. Governance Committee Update**

Mr. Vertlieb reported on progress being made by the Governance Committee in addressing the issues referred to that body by the Benchers at their December 2012 meeting. He confirmed that the Governance Committee will present its mid-year report to the Benchers at the June meeting.

### **b. Indigenous Lawyers Mentoring Program Implementation Update**

Mr. McGee reported on the background of the Indigenous Lawyers Mentoring Program. He confirmed that the program is included in the current Strategic Plan, and that Phase 1 (Concept Development & Consultation) was completed last year under the management of Ms. Rosalie Wilson. Phase 2 (Design) is underway, led by Staff Lawyer Andrea Hilland.

Ms. Hilland briefed the Benchers on Phase 2’s implementation progress. Ms. Hilland advised that program documentation should be finalized by the end of May, and the official launch of the Indigenous Lawyers Mentoring Program is being planned for June 21, 2013 (Aboriginal

Day). Enrolment of mentors and mentees will take place over the summer months, with their pairings to announced in September.

Ms. O’Grady noted that this is North America’s first Aboriginal mentoring program for lawyers. Ms. Berge suggested that the Equity and Diversity Advisory Committee consider reviewing the ground-breaking report and recommendations of the Aboriginal Law Graduates Working Group (April 2000: *Addressing Discriminatory Barriers Facing Aboriginal Law Students and Lawyers*<sup>1</sup>).

## **6. President’s Report**

Mr. Vertlieb briefed the Benchers on various Law Society matters to which he has attended since the last meeting, including:

### **a. Commonwealth Law Conference (Cape Town, South Africa)**

Agenda topics for sessions Mr. Vertlieb attended included: access to justice; the importance of paralegals and the need for expanded use of their services; the importance of legal aid and funding cuts to legal aid; and the need for greater diversity and affirmative action (“merit with bias”) in judicial appointments. The relevance of these themes throughout Commonwealth was striking. Also striking was the support expressed by lawyers from many countries for enhanced provision of legal information and services by paralegals to the public.

### **b. CBA Envisioning Justice Conference**

Lawyers from across the country attended this conference in Vancouver last month to discuss a broad spectrum of access issues. Mr. Vertlieb was honoured to be asked to speak on BC’s designated paralegal pilot project.

Mr. McGee also attended the conference, and commented on the excellent quality of the presentations and discussions.

CBABC Executive Director Caroline Nevin confirmed that the participants’ level of engagement was high throughout the conference sessions. She noted that 65% of the attendees were from outside BC. Ms. Nevin also noted the strong presence and involvement of the representatives of the Ministry of Justice and members of the judiciary.

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<sup>1</sup> Download from the Law Society website – [available here \(under EQUITY AND DIVERSITY\)](#)

**c. Paralegal Pilot Project Presentations in Kelowna and Vernon**

In late April Mr. Vertlieb and Staff Lawyer Doug Munro attended in Kelowna and Vernon to deliver presentations on the designated paralegal pilot project. Mr. Vertlieb noted the strong interest shown by paralegals and members of the public, and thanked Kelowna Bencher Tom Fellhauer for his support with the Kelowna session.

**d. CBA Workshop: Enhancing Diversity on the Bench**

On May 1 Mr. Vertlieb attended at the Lawyers' Inn for an excellent program on diversity in the judiciary. Chief Justice Bauman, Justice of the BC Supreme Court, Chief Judge Crabtree of the BC Provincial Court, Hon. Donna Martinson, Hon. Lynn Smith and Hon. Wally Oppal all delivered presentations.

Ms. Morellato also attended. She noted that there were 190 registrants, from a wide range of backgrounds, at this excellent event. She commented on the value of the mentoring aspect of the session.

Mr. Vertlieb confirmed that Hon. Lynn Smith will be attending the July Bencher meeting to deliver a presentation on enhancing judicial diversity.

**7. CEO's Report**

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

- First Quarter Financial Results
- Review and Renewal of Management Structure
- Indigenous Lawyers Mentoring Program – Update
- Federation National Admission Standards Project Update
- Memorandum of Understanding among Judiciary and Minister of Justice and Attorney General
- Speakers Bureau
- Changes to Electronic Version of Benchers Bulletin
- *Time with Tim* Addition to Lex Website and Staff Breakfast Meetings

## 8. Quarterly Financial Report

Chief Financial Officer Jeanette McPhee provided the Benchers with highlights of her written report (page 8000), covering the following topics:

- General Fund (excluding capital and Trust Assurance Fee (TAF))
  - Revenue
  - Operating Expenses
  - 2013 Forecast
    - Operating Revenue
    - Operating Expenses
    - 845/835 Building
- TAF-related Revenue and Expenses
- Special Compensation Fund
- Lawyers Insurance Fund

Mr. Walker spoke as Vice-Chair of the Finance Committee, updating the Benchers on the 2014 budget-setting process that will culminate with the setting of the Law Society's 2014 practice fee by the Benchers at their September meeting. Mr. Walker noted that all Benchers are welcome to attend the Finance Committee's upcoming meetings:

- Review of LIF Statement of Investment Policy, Trust Administration Fee (TAF), External funding (LAP, CLBC, Advocate, Probono) (June 27)
- 2014 Law Society fees and operational budgets (September 5 and September 11)

Benchers who are interested in attending any of the Finance Committee meetings should contact Ms. Lindsay to receive meeting details and materials.

## 9. Report on Outstanding Hearing & Review Reports

The Benchers received and reviewed a report on outstanding hearing decisions.

## 10. Federation of Law Societies of Canada Council Update

Gavin Hume, QC reported as the Law Society's Federation of Law Societies of Canada Council representative. Mr. Hume thanked First Vice-President Jan Lindsay, QC for briefing the Benchers in his absence at the last Bencher meeting on the proceedings at the Federation Council

meeting and conference held March 20 – 22 in Quebec City. The next Council meeting will take place in Ottawa on June 3.

**a. Standing Committee on the Model Code**

The Federation’s Standing Committee on the Model Code will meet next on June 4. The agenda for that meeting will include:

- Revisions to the Model Code conflicts rules
- Reviewing the Model Code provisions on lawyers’ interprovincial transfers
- Property related to crime
- Limited legal services
- Language rights

Mr. Hume outlined the working process followed by the Standing Committee, and noted the importance of a related Liaison Committee composed of representatives of the member law societies’ ethics committees. Mr. Hume stressed the importance of the consultative aspect of the Standing Committee’s work in managing Code revision requests and input from the law societies, via the Liaison Committee and otherwise, and in conferring regularly with the CBA and ethics professors from law faculties across the country.

**b. National Discipline Standards Project**

This important Federation initiative is about half-way through its work. Deborah Armour, the Law Society’s Chief Legal Officer, is a member of the project team and will be providing an update at an upcoming Bencher meeting.

The Benchers discussed other matters *in camera*.

WKM  
2013-05-28



# Memo

To: Benchers  
From: Jeffrey G. Hoskins, QC  
Date: April 30, 2013  
Subject: **Role of Tribunal Counsel in Law Society Tribunals**

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1. This memorandum is apropos of recent discussion about what additional assistance can be offered to hearing panels and the role of Tribunal Counsel in that regard. The Executive Committee refers the discussion to the Benchers for approval.
2. In my view, the service that is currently offered to hearing panels in connection with the writing of decisions is all that can properly and legally be done without putting the decisions seriously at risk of being quashed on review. However, I think that there are opportunities to improve the up-take of additional assistance by hearing panels. It may be that more assistance at an earlier stage in the process would help alleviate some decision-writing difficulties.

## What we are doing now

3. I attach a document prepared for previous discussions indicating the function of staff in Tribunal Support.
4. Currently, in most cases, Tribunal Counsel has little contact with hearing panels before or during the hearing. Sometimes issues arise and hearing panels, or sometimes just one or two members of the panel, typically the chair, ask for help and meetings and/or correspondence can ensue. In most cases, though, the first contact of any significance is when the panel submits a near-final draft decision at the end of their active participation in the process.

5. This is a summary of the process from that point, paraphrased from the attached document:

Tribunal Counsel reviews the draft decision closely for editorial purposes, ensuring consistency with LS standards and practices (spelling, punctuation, grammar, accuracy of quotes and citations), as well as suggesting better phrasing where appropriate.

In addition, Tribunal Counsel reviews written submissions of counsel, when available, and reviews the draft decision for legal issues, raising questions with the panel and making suggestions as required.

Tribunal Counsel may ask a Law Society staff lawyer not involved in the discipline or professional conduct process to review the draft decision for further corrections and identification of issues.

Tribunal Counsel may contact the chair of the panel or the principal author of the draft, if known, regarding significant issues or shortcomings in the draft reasons. As well, Tribunal Counsel may include questions and suggestions in a draft returned to the panel for consideration. It is made clear to all panellists that the decision is theirs to make, and the panel may freely accept any suggestions of Tribunal Counsel in whole or in part, or reject them altogether.

## **Limits on assistance**

6. The law is clear that the decisions of a tribunal must be that of the individuals who have the authority to make the decision, and not staff supporting the tribunal. While it is permissible for Tribunal Counsel to review draft decisions, make non-substantive edits and suggest other changes, he should not actively write all or part of hearing decisions.
7. The purpose of the position of Tribunal Counsel was to reduce the risk of successful review or appeal from hearing panel decisions on the basis of failure to observe the rules of natural justice and basic administrative law. Expansion of the role into decision writing would appear to be counterproductive in that regard.

## **Areas where up-take could be better:**

8. The role of Tribunal Counsel is explained in some detail as part of the training program for hearing panel pool members. They are told to expect that their draft decisions will be vetted and they may get some suggestions on improvement or be directed to some legal issues that they had not fully dealt with. In addition, they are told that Tribunal Counsel is available to

assist with problems at any point in the hearing process. Nonetheless, few panels avail themselves of the opportunity to ask questions or discuss issues before they are about to sign off on the final decision.

9. Until the last act of the hearing panel, Tribunal Counsel is generally not in direct contact with panels, and uninvolved in the process unless invited into it by a panel. It seems to me that the process could often benefit from some earlier involvement of Tribunal Counsel. Besides the obvious advantage of early clarification of procedures and expectations, it may be that the timeliness of issuing decisions could also be improved through contact.

10. I suggest that there are two opportune times for proactive contact by Tribunal Counsel with hearing panels:

(a) *Before hearing begins:* Tribunal Counsel could review the citation or notice of credentials hearing and contact the panel (or just the chair) at the time that the panel is appointed and a hearing date is set. The purpose would be to remind panellists that Tribunal Counsel is available to help before and during the hearing, as well as after, and to discuss any preliminary concerns.

(b) *After the hearing has concluded, if the decision is reserved:* Tribunal Counsel could again contact the panel (or chair) to remind them of the expected timeframe and to discuss any issues that have given the panel difficulty. A further reminder could be given that Tribunal Counsel is available to help with the writing of the panel's decision. That assistance must stop short of writing all or part of the decision. Counsel could also be asked to formally or informally review a question of law or the submissions of counsel for the assistance of the panel. Panels would have to be reminded that the law requires that any significant new issue of fact or law that arises in that process must be shared with the parties so that they have the opportunity to make submissions on the issue.

Attachments:

description of current function, with its attachments

JGH

# LAW SOCIETY OF BRITISH COLUMBIA

## ROLE OF TRIBUNAL COUNSEL

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### BEFORE THE HEARING

1. Tribunal Counsel (TC) oversees the process of issuing citations, setting dates for hearings and appointment of hearing panels, holding of pre-hearing conferences and other preliminary matters, as well as the logistics of assigning a room and engaging a court reporter. All of this is performed by the Hearing Administrator.
2. From time to time, TC is consulted by hearing panels and individual panel members on possible issues to be confronted in the hearing, possible issues of reasonable apprehension of bias or procedural matters. All consultations and meetings with panels and individual panellists are on a privileged and confidential basis.

### DURING THE HEARING

3. TC does not attend hearings except on request of the hearing panel, which rarely occurs.
4. TC may meet with panels, at the request of the panel, and advise with respect to procedural and other issues. In particular, TC offers opinions on procedural provisions in the Act and Rules.

### AFTER THE HEARING

5. TC may meet with panels during the deliberation process. This is always at the request of the panel or the chair and usually in relation to particular issues.
6. A panel or panellist may ask TC for views on a particular issue, but to the extent that significant new matters (issues, arguments) are raised, they may need to be canvassed with the parties if the panel is to consider them in reaching a decision.

### PREPARING WRITTEN REASONS

7. Hearing panels always draft their own reasons for their decisions. Drafts are circulated among the panellists. Panels are urged to complete this process within 45 days of the

completion of the hearing. TC may be consulted in this process, but does not, and should not, prepare any part of the draft decision.

8. When a hearing panel or other tribunal has completed their internal consultations, a draft is prepared and submitted electronically to the Hearing Administrator, who puts the draft into a standard format and does some proofing.
9. The draft is then forwarded to TC, who reviews it closely for editorial purposes, ensuring consistency with LS standards and practices (spelling, punctuation, grammar, accuracy of quotes and citations), as well as suggesting better phrasing where appropriate.
10. In addition, TC reviews written submissions of counsel, when available, and reviews the draft decision for legal issues, raising questions with the panel and making suggestions as required.
11. TC may ask a LS staff lawyer not involved in the discipline or professional conduct process to review the draft decision for further corrections and identification of issues.
12. TC may contact the chair of the panel or the principal author of the draft, if known, regarding significant issues or shortcomings in the draft reasons. As well, TC may include questions and suggestions in a draft returned to the panel for consideration. It is made clear to all panellists that the decision is theirs to make, and any suggestions of TC may be freely accepted in whole or in part, or rejected altogether.
13. I attach a document entitled "Decision Review Protocol", which was prepared for another administrative tribunal (BC Property Assessment Appeal Board). It sets out the purposes for review of draft decisions by professionals who are not part of the tribunal, as well as the types of advice that a reviewer might give to a tribunal and the limits on the role that the reviewer can take.
14. When the draft has been reviewed, it is returned to the panel in redlined form for approval. It is important that all panellists review the same version of the final decision and adopt it as their own. A record of approvals is kept on the tribunal's hearing file.

Also attached for information is a document entitled "Role of Tribunal Counsel" prepared by outside counsel. It was provided to members of the hearing panel pool with the materials for the training course in basic administrative law and introduction to Law Society procedures. It was also considered by the Executive Committee in 2011.

## DECISION REVIEW PROTOCOL

The purpose of decision review is to ensure:

- Decisions are written clearly in plain language, with correct grammar and punctuation, in accordance with Board style guides
- Decisions contain essential elements including, as appropriate, an introduction, a clear statement of the issue(s), clear statements of the facts, evidence and submissions of the parties, a clear and logical analysis, and a conclusion and board order
- Findings are supported by evidence and analysis
- Conclusion and order are consistent with findings
- Consistency with previous Board decisions, or if a decision is inconsistent, that it contains reasons for not following a previous Board decision on point.
- Consistency with legal authority binding on the Board

The reviewer must respect the independence of the decision maker. The reviewer must not substitute their opinion for the writer's or pressure the decision maker to change their findings and conclusions.

The reviewer may

- Suggest amendments to language to enhance clarity, conciseness and readability
- Suggest amendments to organization to enhance clarity, conciseness and readability
- Point out gaps in reasoning or indicate where reasoning may need to be enhanced
- Indicate where writing or reasoning may be unclear
- Ask questions of decision writer to assist in clarifying reasoning
- Indicate where there is no apparent support in analysis for findings
- Indicate where there are apparent disconnects between analysis and findings or findings and conclusion
- Indicate potential reviewable errors such as making findings without evidence or relying on information that is not in evidence
- Indicate if decision is inconsistent with previous Board decisions and identify decisions that writer may need to consider
- Indicate if decision may be inconsistent with authority binding on the Board that has not been considered in the decision and identify that authority

## **The Role of Tribunal Counsel**

1. The Law Society employs a senior staff lawyer as Tribunal Counsel (TC). This section of the manual outlines the TC's roles in connection with discipline and credentialling.

### **Advisor to Panels**

2. The TC is responsible to provide legal advice and professional support to discipline panels and credentials panels convened to conduct a hearing. The TC may be consulted by the panel collectively, through the chair, or by individual panelists.

3. As an advisor to panels, the TC is independent of the Professional Conduct and Discipline Departments and the Admissions and Credentials Departments. With the panel's permission, the TC may consult with staff lawyers outside those departments (eg, Policy Department).

4. As with any legal consultation, communications between a panel and the TC are confidential. The panel may meet with the TC while the parties are not present while the case is being heard, or while the case is under reserve. As is noted below, however, there may be circumstances in which administrative law principles require the panel to disclose the TC's advice to the parties appearing before it.

5. The TC will not usually attend hearings, unless at a panel's request.

6. It is appropriate for a panel to ask the TC to review and comment upon arguments received from the parties.

7. Under the *Legal Profession Act* and the Rules, responsibility is imposed on the panel to decide the issue at hand. It is fundamental that this responsibility cannot be delegated. Moreover, the panel must decide the issue having regard to the evidence and arguments put forward by the parties. It follows that the panel may not rely on the TC's advice in place of considering the evidence, arguments and authorities submitted by the parties.

8. The TC should not be asked to draft reasons for decision. It is the responsibility of the panel to formulate its own reasons. It may not be inappropriate for the panel to incorporate into its reasons legal analysis taken from a memorandum prepared by the TC, if the analysis reflects the panel's own considered view.

9. A panel may ask the TC to consider new legal issues not raised by the parties, or the TC may identify new legal issues for the panel's consideration. In either case, if the issue is or may be significant to the result, it is incumbent on the panel to afford the parties an opportunity to address the issue before deciding it. The obligation may arise whether or not the panel has consulted the TC in connection with the new issue. If there has been consultation, this is the case in which the proper course may be to bring the TC's advice to the attention of both sides and invite further submissions. The TC can advise as to what is required in the circumstances.

10. A panel or a panel member may ask the TC to review and comment upon draft reasons for decision. Apart from any specific request made to the TC, draft reasons for decision, once

submitted to the hearing administrator, are circulated to the TC before the reasons are issued. The TC does copy and legal editing, and identifies for the panel's consideration any points in the draft decision that appear to him to be mistaken or controversial. It is up to the panel whether to take this advice. Because the final decision must always be that of the panel, it is essential that the reasons for decision, in their final form, be formally approved by the panel members.

### **Responsibility for Training and Orientation**

11. The TC is also responsible for the training and orientation of panelists generally. This is a distinct role arising outside the context of a particular hearing involving a particular member or applicant for admission. In this context, the TC is supervised by the Society's Chief Legal Officer and may work with other professional staff, including staff in the Professional Conduct, Discipline and Credentials Departments.

*Federation of Law Societies  
of Canada*



*Fédération des ordres professionnels  
de juristes du Canada*

**APPENDIX A**

**National Mobility Agreement  
2013**

## Federation of Law Societies of Canada

XX XX, 2013

City

The purpose of this agreement is to facilitate temporary and permanent mobility of lawyers between Canadian jurisdictions.

While the signatories participate in this agreement voluntarily, they intend that only lawyers who are members of signatories that have implemented reciprocal provisions in their jurisdictions will be able to take advantage of the provisions of this agreement.

The signatories recognize that

- they have a duty to the Canadian public and to their members to regulate the inter- jurisdictional practice of law so as to ensure that their members practise law competently, ethically and with financial responsibility, including professional liability insurance and defalcation compensation coverage, in all jurisdictions of Canada,
- while differences exist in the legislation, policies and programs pertaining to the signatories, including those differences between common law and civil law jurisdictions in Canada, lawyers have a professional responsibility to ensure that they are competent with respect to any matter that they undertake, and
- it is desirable to facilitate a nationwide regulatory regime for the inter-jurisdictional practice of law to promote uniform standards and procedures, while recognizing the exclusive authority of each signatory within its own legislative jurisdiction.

Most of the signatories subscribed to the Interjurisdictional Practice Protocol of 1994, in which they agreed to certain measures to facilitate the temporary and permanent inter-jurisdictional practice of law and the enforcement of appropriate standards on lawyers practising law in host jurisdictions.

Since December 2002, all provincial law societies, other than the Chambre des notaires du Quebec ("Chambre"), have signed the National Mobility Agreement ("NMA") establishing a comprehensive mobility regime for Canadian lawyers.

In 2006 all law societies other than the Chambre, signed the Territorial Mobility Agreement. Under that agreement, provisions were mandated for reciprocal permanent mobility between the law societies of the territories and the provinces for five years. A further agreement made in November 2011 renewed the Territorial Mobility Agreement without a termination date.

In June 2008 Quebec enacted a “Regulation respecting the issuance of special permits of the Barreau du Quebec” (“Barreau”), which provided, inter alia, that a member in good standing of a bar of another Canadian province or territory could become a member of the Barreau known as a “Canadian legal advisor” (“CLA”). A CLA may provide legal services respecting the law of federal jurisdiction, the law of his or her home province and public international law.

In March 2010 all law societies, other than the Chambre, signed the Quebec Mobility Agreement (“QMA”). Under that agreement members of the Barreau are able to exercise mobility in the common law jurisdictions on a reciprocal basis as CLAs.

In June 2010 the Council of the Federation approved the Mobility Defalcation Compensation Agreement (“MDCA”) to bring more consistency, certainty and transparency to the process for compensating the public if funds are misappropriated by lawyers exercising their mobility rights under the NMA. Since then, all provincial law societies, other than the Barreau and the Chambre, have signed the MDCA.

In March 2012 all law societies, including the Chambre, signed an addendum to the Quebec Mobility Agreement extending to members of the Chambre the right to acquire CLA status in another province.

In January 2013, the Council of the Federation of Law Societies approved a report from the National Mobility Policy Committee. In that report, the Committee concluded and recommended that it would be in the public interest to implement mobility to and from the Barreau on the same terms as now apply to mobility between common law jurisdictions under the permanent mobility provisions of the NMA. The Committee also reported that the CLA provisions of the QMA and its Addendum should continue in place with respect to members of the Chambre, and the Chambre was in favour of that resolution. The Committee’s report and recommendations do not affect the current rules for temporary mobility between Quebec and other provinces and the territories.

As a result, the signatories hereby agree to adopt this new National Mobility Agreement, 2013 (“NMA 2013”), changing the original NMA to remove the distinction between members of the Barreau and members of law societies outside of Quebec for the purposes of transfer between governing bodies. The signatories also agree to incorporate into the NMA 2013 the provisions for members of the Chambre to be granted status as CLAs by law societies outside of Quebec and to rescind the QMA and its Addendum.

**THE SIGNATORIES AGREE AS FOLLOWS:**

**Definitions**

1. In this agreement, unless the context indicates otherwise:

“Barreau” means le Barreau du Québec;

“Chambre” means la Chambre des notaires du Québec;

“day” means any calendar day or part of a calendar day in which a lawyer provides legal services;

“discipline” includes a finding by a governing body of any of the following:

- (a) professional misconduct;
- (b) incompetence;
- (c) conduct unbecoming a lawyer;
- (d) lack of physical or mental capacity to engage in the practice of law;
- (e) any other breach of a lawyer’s professional responsibilities;

“disciplinary record” includes any of the following, unless reversed on appeal or review:

- (a) any action taken by a governing body as a result of discipline;
- (b) disbarment;
- (c) a lawyer’s resignation or otherwise ceasing to be a member of a governing body as a result of disciplinary proceedings;
- (d) restrictions or limits on a lawyer’s entitlement to practise;
- (e) any interim suspension or restriction or limits on a lawyer’s entitlement to practise imposed pending the outcome of a disciplinary hearing.

“entitled to practise law” means allowed, under all of the legislation and regulation of a home jurisdiction, to engage in the practice of law in the home jurisdiction;

“governing body” means the Law Society or Barristers’ Society in a Canadian common law jurisdiction, the Barreau and the Chambre;

“home governing body” means any or all of the governing bodies of the legal profession in Canada of which a lawyer is a member, and “home

jurisdiction” has a corresponding meaning;

“host governing body” means a governing body of the legal profession in Canada in whose jurisdiction a lawyer practises law without being a member, and “host jurisdiction” has a corresponding meaning;

“Inter-Jurisdictional Practice Protocol” means the 1994 Inter-Jurisdictional Practice Protocol of the Federation of Law Societies of Canada, as amended from time to time;

“lawyer” means a member of a signatory governing body, other than the Chambre;

“liability insurance” means compulsory professional liability errors and omissions insurance required by a governing body;

“mobility permit” means a permit issued by a host governing body on application to a lawyer allowing the lawyer to provide legal services in the host jurisdiction on a temporary basis;

“notary” means a member of the Chambre;

“practice of law” has the meaning with respect to each jurisdiction that applies in that jurisdiction;

“providing legal services” means engaging in the practice of law physically in a Canadian jurisdiction or with respect to the law of a Canadian jurisdiction;

“Registry” means the National Registry of Practising Lawyers established under clause 18 of this agreement;

“resident” has the meaning respecting a province or territory that it has with respect to Canada in the *Income Tax Act* (Canada).

## **General**

2. The signatories agree to adopt this agreement as a replacement for the National Mobility Agreement of 2002, the Quebec Mobility Agreement of 2010 and the Addendum to the Quebec Mobility Agreement of 2012, all of which are revoked by consent.
3. The signatory governing bodies will
  - (a) use their best efforts to obtain from the appropriate legislative or supervisory bodies amendments to their legislation or regulations necessary or advisable in order to implement the provisions of this agreement;
  - (b) amend their own rules, by-laws, policies and programs to the extent they consider necessary or advisable in order to implement the provisions of this agreement;

- (c) comply with the spirit and intent of this agreement to facilitate mobility of Canadian lawyers in the public interest and strive to resolve any differences among them in that spirit and in favour of that intent; and
  - (d) work cooperatively to resolve all current and future differences and ambiguities in legislation, policies and programs regarding inter-jurisdictional mobility.
4. Signatory governing bodies will subscribe to this agreement and be bound by it by means of the signature of an authorized person affixed to any copy of this agreement.
5. A signatory governing body will not, by reason of this agreement alone,
- (a) grant to a lawyer who is a member of another governing body greater rights to provide legal services than are permitted to the lawyer by his or her home governing body; or
  - (b) relieve a lawyer of restrictions or limits on the lawyer's right to practise, except under conditions that apply to all members of the signatory governing body.
6. Amendments made under clause 3(b) will take effect immediately on adoption with respect to members of signatory governing bodies that have adopted reciprocal provisions.

### **Temporary Mobility Among Common Law Jurisdictions**

7. Clauses 8 to 32 apply to temporary mobility of lawyers of common law jurisdictions in other common law jurisdictions.

### **Mobility without permit**

8. A host governing body will allow a lawyer from another jurisdiction to provide legal services in the host jurisdiction or with respect to the law of the host jurisdiction on a temporary basis, without a mobility permit or notice to the host governing body, for a total of not more than 100 days in a calendar year, provided the lawyer:
- (a) meets the criteria in clause 11; and
  - (b) has not established an economic nexus with the host jurisdiction as described in clause 17.
9. The host governing body will have the discretion to extend the time limit for temporary mobility under clause 8 with respect to an individual lawyer.

10. It will be the responsibility of a lawyer to
  - (a) record and verify the number of days in which he or she provides legal services in a host jurisdiction(s) or with respect to each jurisdiction; and
  - (b) prove that he or she has complied with provisions implementing clause 8.
  
11. To qualify to provide legal services on a temporary basis without a mobility permit or notice to the host governing body under clause 8, a lawyer will be required to do each of the following at all times:
  - (a) be entitled to practise law in a home jurisdiction;
  - (b) carry liability insurance that:
    - (i) is reasonably comparable in coverage and amount to that required of lawyers of the host jurisdiction; and
    - (ii) extends to the lawyer's practice in the host jurisdiction;
  - (c) have defalcation compensation coverage from a Canadian governing body that extends to the lawyer's practice in the host jurisdiction;
  - (d) not be subject to conditions of or restrictions on the lawyer's practice or membership in the governing body in any jurisdiction;
  - (e) not be the subject of criminal or disciplinary proceedings in any jurisdiction; and
  - (f) have no disciplinary record in any jurisdiction.
  
12. For the purposes of clause 8:
  - (a) a lawyer practising law of federal jurisdiction in a host jurisdiction will be providing legal services in the host jurisdiction;
  - (b) as an exception to subclause (a), when appearing before the following tribunals in a host jurisdiction a lawyer will not be providing legal services in a host jurisdiction:
    - (i) the Supreme Court of Canada;
    - (ii) the Federal Court of Canada;
    - (iii) the Tax Court of Canada;
    - (iv) a federal administrative tribunal.
  
13. A host jurisdiction will allow a lawyer to accept funds in trust on deposit, provided the funds are deposited to a trust account:
  - (a) in the lawyer's home jurisdiction; or
  - (b) operated in the host jurisdiction by a member of the host governing body.

### **Mobility permit required**

14. If a lawyer does not meet the criteria in clause 11 to provide legal services in the host jurisdiction or with respect to the law of the host jurisdiction on a temporary basis, a host governing body will issue a mobility permit to the lawyer:
- (a) on application;
  - (b) if, in the complete discretion of the host governing body, it is consistent with the public interest to do so;
  - (c) for a total of not more than 100 days in a calendar year; and
  - (d) subject to any conditions and restrictions that the host governing body considers appropriate.

### **Temporary mobility not allowed**

15. A host governing body will not allow a lawyer who has established an economic nexus with the host jurisdiction to provide legal services on a temporary basis under clause 8, but will require the lawyer to do one of the following:
- (a) cease providing legal services in the host jurisdiction forthwith;
  - (b) apply for and obtain membership in the host governing body; or
  - (c) apply for and obtain a mobility permit under clause 14.
16. On application, the host governing body will have the discretion to allow a lawyer to continue to provide legal services in the host jurisdiction or with respect to the law of the host jurisdiction pending consideration of an application under clause 15(b) or (c).
17. In clause 15, an economic nexus is established by actions inconsistent with temporary mobility to the host jurisdiction, including but not limited to doing any of the following in the host jurisdiction:
- (a) providing legal services beyond 100 days, or longer period allowed under clause 9;
  - (b) opening an office from which legal services are offered or provided to the public;
  - (c) becoming resident;
  - (d) opening or operating a trust account, or accepting trust funds, except as permitted under clause 13.

### **National Registry of Practising Lawyers**

18. The signatory governing bodies will establish, maintain and operate a National Registry of Practising Lawyers containing the names of lawyers from each signatory governing body qualified under clause 11 to practise law interjurisdictionally without a mobility permit or notice to the host governing body.

19. Each signatory governing body will take all reasonable steps to ensure that all relevant information respecting its members is supplied to the Registry and is kept current and accurate.

### **Liability Insurance and Defalcation Compensation Funds**

20. Each signatory governing body will ensure that the ongoing liability insurance in its jurisdiction
  - (a) extends to its members for the provision of legal services on a temporary basis in or with respect to the law of host signatory jurisdictions; and
  - (b) provides occurrence or claim limits of \$1,000,000 and \$2,000,000 annual per member aggregate.
21. In the event that a claim arises from a lawyer providing legal services on a temporary basis, and the closest and most real connection to the claim is with a host jurisdiction, the home governing body will provide at least the same scope of coverage as the liability insurance in the host jurisdiction. For clarity, all claims and potential claims reported under the policy will remain subject to the policy's occurrence or claim limit of \$1,000,000 and \$2,000,000 annual per member aggregate.
22. Signatory governing bodies will notify one another in writing, as soon as practicable, of any changes to their liability insurance policies that affect the limits of liability or scope of coverage.
23. Signatory governing bodies that are also signatories to the MDCA will apply or continue to apply the provisions of the MDCA respecting defalcation compensation. Signatory governing bodies that are not signatories to the MDCA will apply or continue to apply the provisions of the Interjurisdictional Practice Protocol respecting defalcation compensation, specifically clause 10 of the Protocol and Appendix 6 to the Protocol.
24. Signatory governing bodies will notify one another in writing, as soon as practicable, of any changes to their defalcation compensation fund programs that affect the limits of compensation available or the criteria for payment.

### **Enforcement**

25. A host governing body that has reasonable grounds to believe that a member of another governing body has provided legal services in the host jurisdiction will be entitled to require that lawyer to:
  - (a) account for and verify the number of days spent providing legal services in the host jurisdiction; and
  - (b) verify that he or she has not done anything inconsistent with the provision of legal services on a temporary basis.

26. If a lawyer fails or refuses to comply with the provisions of clause 25, a host governing body will be entitled to:
  - (a) prohibit the lawyer from providing legal services in the jurisdiction for any period of time; or
  - (b) require the lawyer to apply for membership in the host jurisdiction before providing further legal services in the jurisdiction.
27. When providing legal services in a host jurisdiction or with respect to the law of a host jurisdiction, all lawyers will be required to comply with the applicable legislation, regulations, rules and standards of professional conduct of the host jurisdiction.
28. In the event of alleged misconduct arising out of a lawyer providing legal services in a host jurisdiction, the lawyer's home governing body will:
  - (a) assume responsibility for the conduct of disciplinary proceedings against the lawyer unless the host and home governing bodies agree to the contrary; and
  - (b) consult with the host governing body respecting the manner in which disciplinary proceedings will be taken against the lawyer.
29. If a signatory governing body investigates the conduct of or takes disciplinary proceedings against a lawyer, that lawyer's home governing body or bodies, and each governing body in whose jurisdiction the lawyer has provided legal services on a temporary basis will provide all relevant information and documentation respecting the lawyer as is reasonable in the circumstances.
30. In determining the location of a hearing under clause 28, the primary considerations will be the public interest, convenience and cost.
31. A governing body that initiates disciplinary proceedings against a lawyer under clause 28 will assume full responsibility for conduct of the proceedings, including costs, subject to a contrary agreement between governing bodies.
32. In any proceeding of a signatory governing body, a duly certified copy of a disciplinary decision of another governing body concerning a lawyer found guilty of misconduct will be proof of that lawyer's guilt.

### **Permanent Mobility of Lawyers**

33. A signatory governing body will require no further qualifications for a member of another governing body to be eligible for membership than the following:
  - (a) entitlement to practise law in the lawyer's home jurisdiction;
  - (b) good character and fitness to be a lawyer, on the standard ordinarily applied to applicants for membership; and
  - (c) any other qualifications that ordinarily apply for lawyers to be entitled to practise law in its jurisdiction.

34. Before admitting as a member a lawyer qualified under clauses 33 to 38, a governing body will not require the lawyer to pass a transfer examination or other examination, but may require the lawyer to do all of the following:
- (a) provide certificates of standing from all Canadian and foreign governing bodies of which the lawyer is or has been a member;
  - (b) disclose criminal and disciplinary records in any jurisdiction;
  - (c) consent to access by the governing body to the lawyer's regulatory files of all governing bodies of which the lawyer is a member, whether in Canada or elsewhere; and
  - (d) certify that he or she has reviewed all of the materials reasonably required by the governing body.
35. Members of the Barreau whose legal training was obtained outside Canada and who have not had their credentials reviewed and accepted by the Barreau are not qualifying members of the Barreau for the purpose of clauses 33 to 38.

### **Public Information**

36. A governing body will make available to the public information obtained under clause 34 in the same manner as similar records originating in its jurisdiction.

### **Liability Insurance**

37. On application, a signatory governing body will exempt a lawyer from liability insurance requirements if the lawyer does the following in another signatory jurisdiction:
- (a) is resident;
  - (b) is a member of the governing body; and
  - (c) maintains ongoing liability insurance required in that jurisdiction that provides occurrence or claim limits of \$1,000,000 and \$2,000,000 annual per member aggregate.
38. In the event that a claim arises from a lawyer providing legal services and the closest and most real connection to the claim is with a jurisdiction in which the lawyer has claimed an exemption under clause 37, the insurance program of the governing body in the jurisdiction where the lawyer is insured will provide at least the same scope of coverage as the liability insurance in the jurisdiction in which the lawyer is exempt. For clarity, all claims and potential claims reported under the policy will remain subject to the policy's occurrence or claim limit of \$1,000,000 and \$2,000,000 annual per member aggregate.

## **Temporary Mobility between Quebec and Common Law Jurisdictions**

39. The Barreau will permit lawyers entitled to practise law in a home jurisdiction, on application under regulations that apply to the Barreau, to provide legal services in Quebec or with respect to the law of Quebec on a specific case or for a specific client for a period of up to one year, which may be extended on application to the Barreau.
40. A signatory governing body, other than the Barreau, will permit members of the Barreau to provide legal services in its jurisdiction or with respect to the law of its jurisdiction on one of the following bases:
  - (a) as provided in clauses 8 to 32; or
  - (b) as permitted by the Barreau in respect of the members of the signatory governing body.

## **Permanent Mobility of Quebec Notaries**

41. Signatory common law governing bodies will establish and maintain a program in order to grant Canadian Legal Advisor (“CLA”) status to qualifying members of the Chambre.
42. Members of the Chambre whose legal training was obtained outside Canada and who have not had their credentials reviewed and accepted by the Chambre are not qualifying members of the Chambre for the purpose of clauses 41 to 47.
43. A member of the Chambre who is granted the status of CLA in any jurisdiction outside of Quebec may, in his or her capacity as a CLA:
  - (a) give legal advice and consultations on legal matters involving the law of Quebec or involving matters under federal jurisdiction;
  - (b) prepare and draw up a notice, motion, proceeding or similar document intended for use in a case before a judicial or quasi-judicial body in a matter under federal jurisdiction where expressly permitted by federal statute or regulations;
  - (c) give legal advice and consultations on legal matters involving public international law; and
  - (d) plead or act before a judicial or quasi-judicial body in a matter under federal jurisdiction where expressly permitted by federal statute or regulations.

44. A governing body will require no further qualifications for a notary to be eligible for status as a CLA beyond the following:
  - (a) entitlement to practise the notarial profession in Quebec; and
  - (b) good character and fitness to be a member of the legal profession, on the standard ordinarily applied to applicants for membership.
45. Before granting CLA status to a notary qualified under clauses 41 to 47, a governing body will not require the notary to pass a transfer examination or other examination, but may require the notary to do all of the following:
  - (a) provide certificates of standing from all Canadian and foreign governing bodies of the legal profession of which the notary is or has been a member;
  - (b) disclose criminal and disciplinary records in any jurisdiction; and
  - (c) consent to access by the governing body to the notary's regulatory files of all governing bodies of the legal profession of which the notary is a member, whether in Canada or elsewhere.
46. A governing body will make available to the public information obtained under clause 45 in the same manner as similar records originating in its jurisdiction.
47. A governing body must require that a notary who is granted the status of a CLA continue to maintain his or her practising membership in the Chambre.

### **Inter-Jurisdictional Practice Protocol**

48. The signatory governing bodies agree that the Inter-Jurisdictional Practice Protocol will continue in effect, to the extent that it is not replaced by or inconsistent with legislation, regulation and programs adopted and implemented to give effect to this agreement.

### **Transition Provisions**

49. This agreement is a multi-lateral agreement, effective respecting the governing bodies that are signatories, and it does not require unanimous agreement of Canadian governing bodies.
50. Provisions governing temporary and permanent mobility in effect at the time that a governing body becomes a signatory to this agreement will continue in effect:
  - (a) with respect to all Canadian lawyers until this agreement is implemented; and
  - (b) with respect to members of Canadian law societies that are not signatories to this agreement.

## **Withdrawal**

51. A signatory may cease to be bound by this agreement by giving each other signatory written notice of at least one clear calendar year.
52. A signatory that gives notice under clause 51 will:
  - (a) immediately notify its members in writing of the effective date of withdrawal; and
  - (b) require that its members who provide legal services in the jurisdiction of another signatory governing body ascertain from that governing body its requirements for inter-provincial mobility before providing legal services in that jurisdiction after the effective date of withdrawal.

**SIGNED as indicated in respect of each signatory below**

LAW SOCIETY OF BRITISH COLUMBIA

Per: \_\_\_\_\_  
Authorized Signatory

\_\_\_\_\_  
Date

LAW SOCIETY OF ALBERTA

Per: \_\_\_\_\_  
Authorized Signatory

\_\_\_\_\_  
Date

LAW SOCIETY OF SASKATCHEWAN

Per: \_\_\_\_\_  
Authorized Signatory

\_\_\_\_\_  
Date

LAW SOCIETY OF MANITOBA

Per: \_\_\_\_\_  
Authorized Signatory

\_\_\_\_\_  
Date

LAW SOCIETY OF UPPER CANADA

Per: \_\_\_\_\_  
Authorized Signatory

\_\_\_\_\_  
Date

BARREAU DU QUÉBEC

Per: \_\_\_\_\_

Authorized Signatory

\_\_\_\_\_

Date

CHAMBRE DES NOTAIRES DU QUÉBEC

Per: \_\_\_\_\_

Authorized Signatory

\_\_\_\_\_

Date

LAW SOCIETY OF NEW BRUNSWICK

Per: \_\_\_\_\_

Authorized Signatory

\_\_\_\_\_

Date

NOVA SCOTIA BARRISTERS' SOCIETY

Per: \_\_\_\_\_

Authorized Signatory

\_\_\_\_\_

Date

LAW SOCIETY OF PRINCE EDWARD ISLAND

Per: \_\_\_\_\_

Authorized Signatory

\_\_\_\_\_

Date

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Per: \_\_\_\_\_

Authorized Signatory

\_\_\_\_\_

Date

The Law Society  
*of British Columbia*



## **CEO's Report to Benchers**

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May 10, 2013

Prepared for: Benchers

Prepared by: Timothy E. McGee

## **First Quarter Financial Results**

I'm pleased to advise that the financial results for the first quarter ending March 31, 2013 have been reviewed with the Chair of the Finance Committee, Jan Lindsay, QC. Ms Lindsay and Jeanette McPhee, Chief Financial Officer, will be reviewing the highlights of those results with you at the Benchers meeting. Materials will be provided to you separately as part of your Benchers agenda package. Together with members of the Management Board I will be pleased to respond to any questions or comments which you may have.

## **Review and Renewal of Management Structure**

As you know, one of our operational priorities for the year is a review and renewal of the current management structure. I use the term management structure to capture the broad range of things that describe how management goes about its daily business. This includes such things as our internal reporting relationships, our meeting schedules, agenda setting, and initiatives involving all staff such as our quarterly Town Hall meetings and projects such as Leo and RReX. The current structure reflects changes which I initiated upon my arrival in 2005 and modifications we have made as a management team since then to better meet our evolving needs.

The review and renewal process has been a highly collaborative one involving the entire management team over the past several months. I am looking forward to sharing with you the highlights of the proposed new structure at the meeting. While the changes are quite selective and won't be noticeable to the Benchers on a day-to-day basis because of their operational focus I believe they will strengthen our management capability and benefit the organization as a whole. I am attaching as Appendix "A" a presentation which we have used at the staff level to track our progress. I am including it here just as background reference, as I will speak to the main points at the meeting.

## **Indigenous Lawyers Mentoring Program - Update**

Initiative 2-1(c) of the Strategic Plan is to support the retention of Aboriginal lawyers by developing and implementing the Indigenous Lawyer Mentoring Program. The project was structured in two phases. Phase 1 was completed last summer when a report prepared by Rosalie Wilson was presented to the Benchers. The report, prepared after a consultation process, analyzed a needs assessment to determine appropriate options and structure for an Aboriginal mentoring program. The report detailed best practice guidelines tailored to mentor Aboriginal lawyers, and included recommendations regarding mentoring options and models, together with best practices. Phase 2 contemplated the development of the program itself based on the practices and options

identified in Phase 1. Andrea Hilland, Staff Lawyer, Policy and Legal Services, has been working hard at preparing a program, and I am pleased to advise that she is close to completion. Andrea will report to you on the proposed program and its anticipated commencement at the Bencher meeting.

## **Federation National Admission Standards Project Update**

The Federation of Law Societies has published a Communiqué update (attached as Appendix “B”) providing an update on the competencies aspect of the National Admission Standards project. The Competencies Project is now in Phase II, which is to identify options for implementing the National Competency Profile. The work includes meeting with expert consultants to designate the competencies in the National Competency Profile on which to test students, and how each competency might best be assessed. Using the data obtained through the national survey that was used to develop the National Competency Profile, the Phase II review process is identifying what is most important for testing, based on factors such as criticality (how critical the skill/task is from a risk perspective) and frequency (how often the competency is used). This preliminary process, referred to as “competency mapping,” will also provide guidance on options for assessing the competencies. Lynn Burns, Deputy Director, PLTC, is a member of the Phase II Federation working group.

The Lawyer Education Advisory Committee’s 2013 – 14 focus, pursuant to the Law Society Strategic Plan, is admission program reform linked to the National Admission Standards.

The Federation’s Character and Fitness Standards Working Group continues to deliberate. Lesley Small, Manager, Member Services and Credentials, and Michael Lucas, Manager, Policy and Legal Services, represent BC.

Alan Treleaven, Director, Education and Practice, and I are members of the Steering Committee for the National Admission Standards project.

## **Memorandum of Understanding among Judiciary and Minister of Justice and Attorney General**

Please find attached as Appendix “C” a copy of the Memorandum of Understanding effective April 3, 2013 among the three levels of judiciary in British Columbia and the Minister of Justice and Attorney General of British Columbia. You may have seen media reports referring to the MOU or heard it discussed at various events but I wanted to make sure that you had an opportunity to read the MOU in its entirety. It is posted on the Ministry website as well. This is an interesting and important document in my view

and it comes at an opportune time, given the intense scrutiny being directed at all facets of the justice system in British Columbia. As I reported to you at the last Bencher meeting, the Inaugural Justice Summit held in March which I participated in as moderator was viewed as a modest but important step forward by all those participating including the Judiciary and the Minister of Justice and Attorney General and senior Ministry officials. I believe this MOU is further evidence that a constructive and informed approach to reform is preferred by those who play essential and vital roles in the justice system.

## **Speakers Bureau**

A number of Benchers have expressed an interest in participating in the Law Society's Speakers Bureau. Accordingly, I am pleased to attach as Appendix "D" a memo from Robyn Crisanti, Manager, Communications and Public Affairs setting out a proposed process for Bencher participation. Robyn will be available at the Bencher meeting to take your suggestions and to answer any questions you may have with respect to this suggested process.

## **Changes to Electronic Version of Benchers Bulletin**

A change is being made to the electronic version of the Benchers Bulletin. At present, the Bulletin is sent via email in a newsletter format, with links to web pages on the Law Society website. It is also available as a simple pdf, though this is not immediately obvious to recipients.

With advances in pdf file options, the preference now is to send the Bulletin via email as an enhanced pdf with bookmarks, links and other features. It is our opinion that this will improve readability. In particular, we believe readers will be more likely to at least scan all the content. At present, individual web pages for each item in the Bulletin do not lend themselves to easy reading or scanning. Other advantages include improved access to the Bulletin on mobile devices and better control over the size of our website. If you have any questions or comments regarding this change, please contact Robyn Crisanti.

## ***Time with Tim* Addition to Lex Website and Staff Breakfast Meetings**

I would like to share with you some new initiatives involving expanding and improving sharing of information with staff and encouraging interdepartmental relations. We have identified these as action items coming out of our last annual employee survey. The first initiative is a new section called *Time with Tim* on our internal Law Society website known as Lex. Lex is the go-to site for all of our employees and it is accessed heavily by

staff for a wide range of purposes. *Time with Tim* will provide staff with information and thoughts from me on a wide range of topics that staff might not otherwise hear about, such as important meetings that I attend on behalf of the Law Society or developments in our sister Law Societies. While it is specifically not designed as a blog it is intended to be more informal in tone and conversational. The page will be updated weekly or as events suggest. A copy of the current posting of *Time with Tim* is attached as Appendix "E" for your interest.

The second initiative that is now well underway is a series of CEO/staff breakfast meetings. These are breakfast meetings hosted by me with approximately 15 staff drawn from different departments. The breakfasts are informal and allow time for me to share some information about what is top of mind for me. We also go around the table and have everyone introduce themselves and say a bit about what they do at the Law Society and their interests before opening the floor to discussion on any topics of interest. This helps people to get to know their colleagues in other departments a little bit better. So far the breakfasts have been well attended and I am encouraged by the feedback. We have scheduled a total of 10 breakfast meetings to date (4 completed so far) and, when finished, I expect that every one of our employees will have participated.

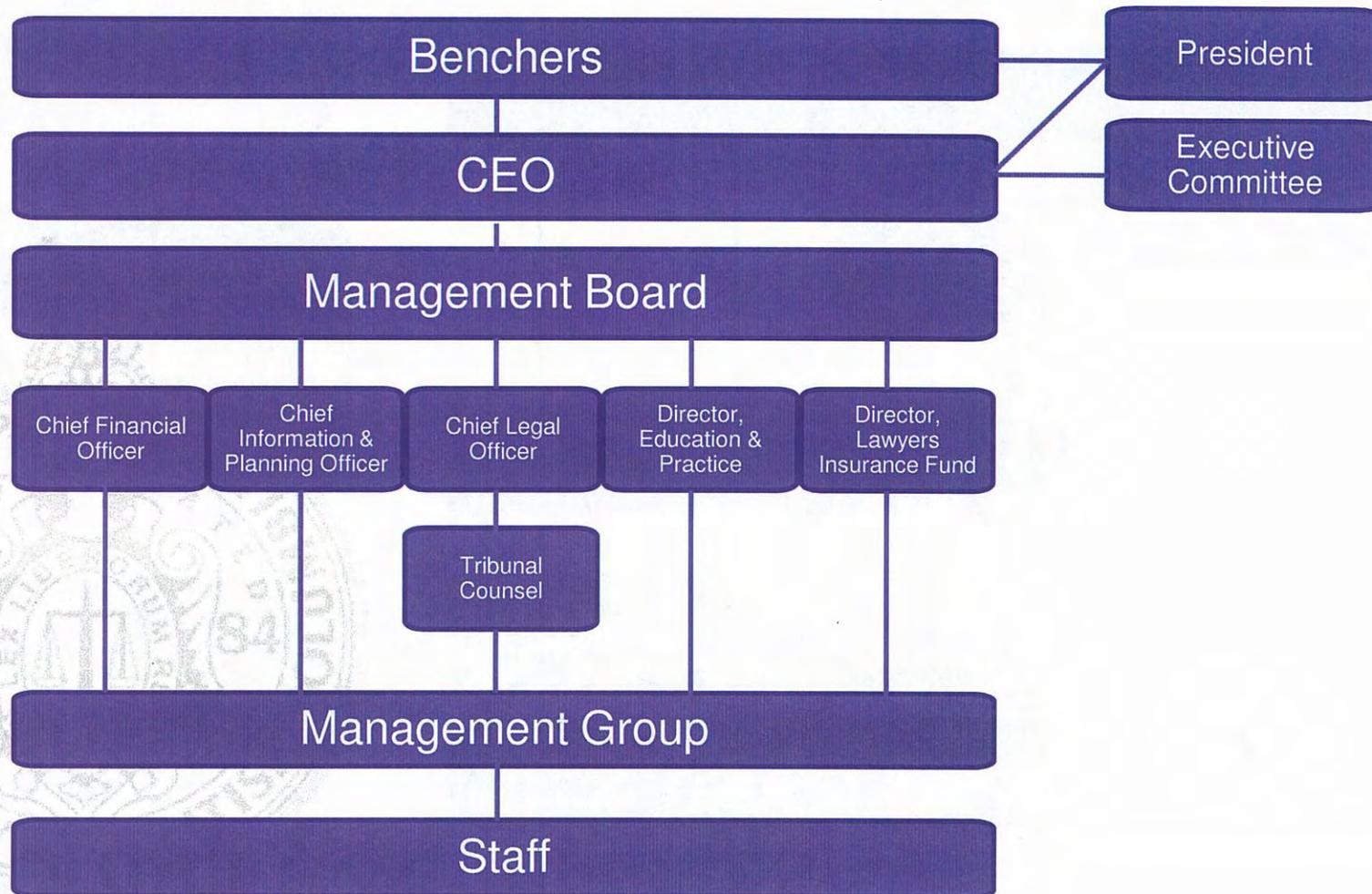
# The Law Society *of British Columbia*



## **Review and Renewal of Management Structure**

2013-05-10

# Current Management Structure

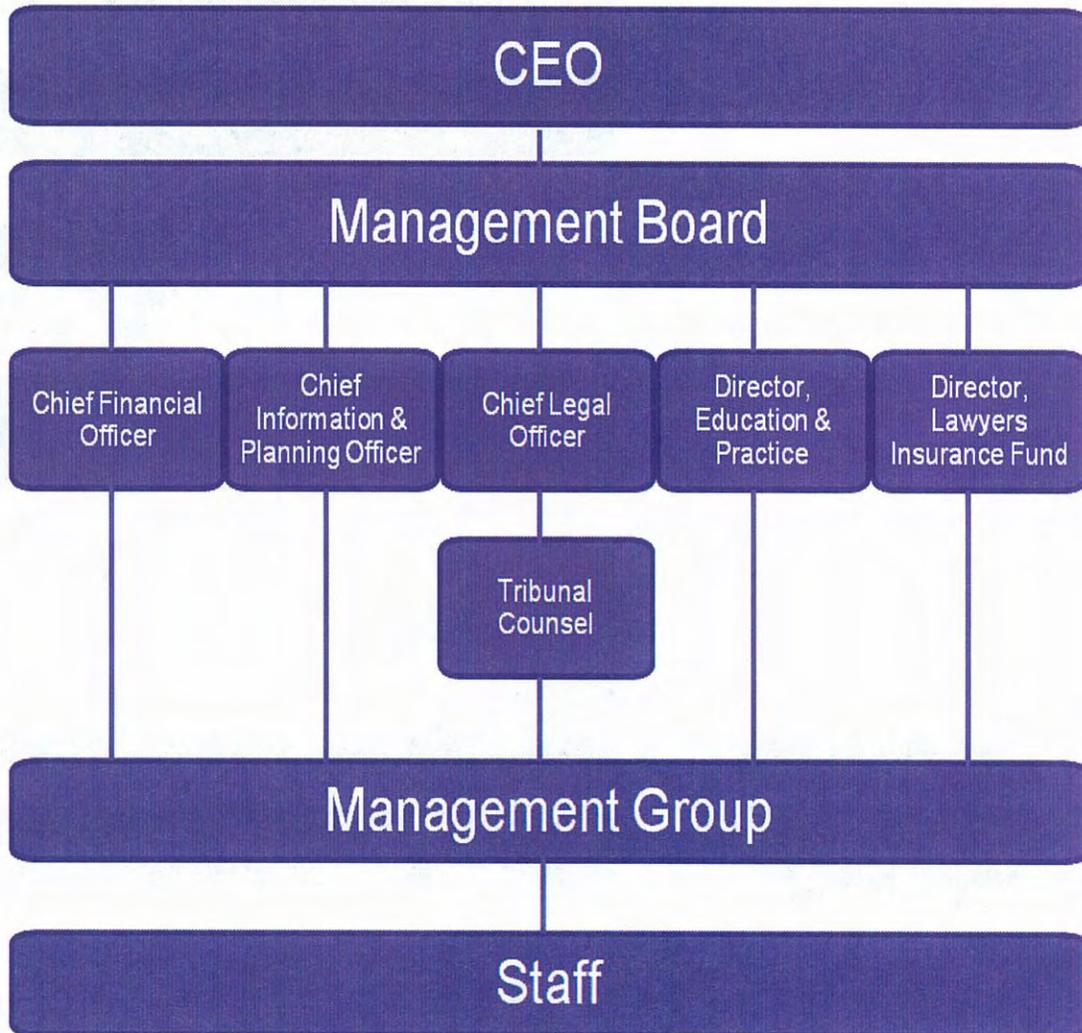


# Current Relationships

CEO / MB

Management Board / Management Group

Management Group / Staff

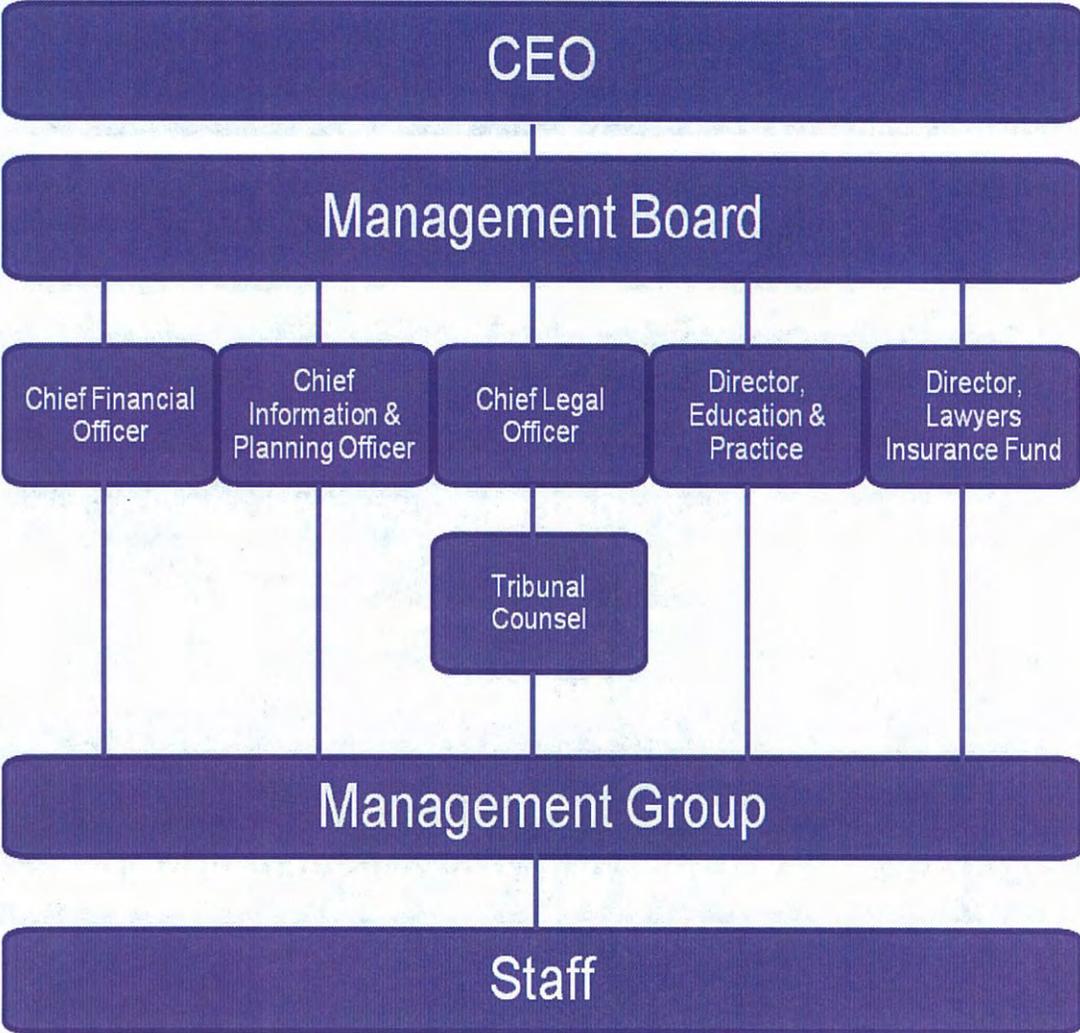


# Current Meetings / Interactions

Management Board meets 2/month

Management Group meets 2/month

Staff Town Hall 3/year



# Why Change?

A key feature of effective leadership is review and renewal to meet evolving needs.

Current management structure unchanged for more than 5 years.

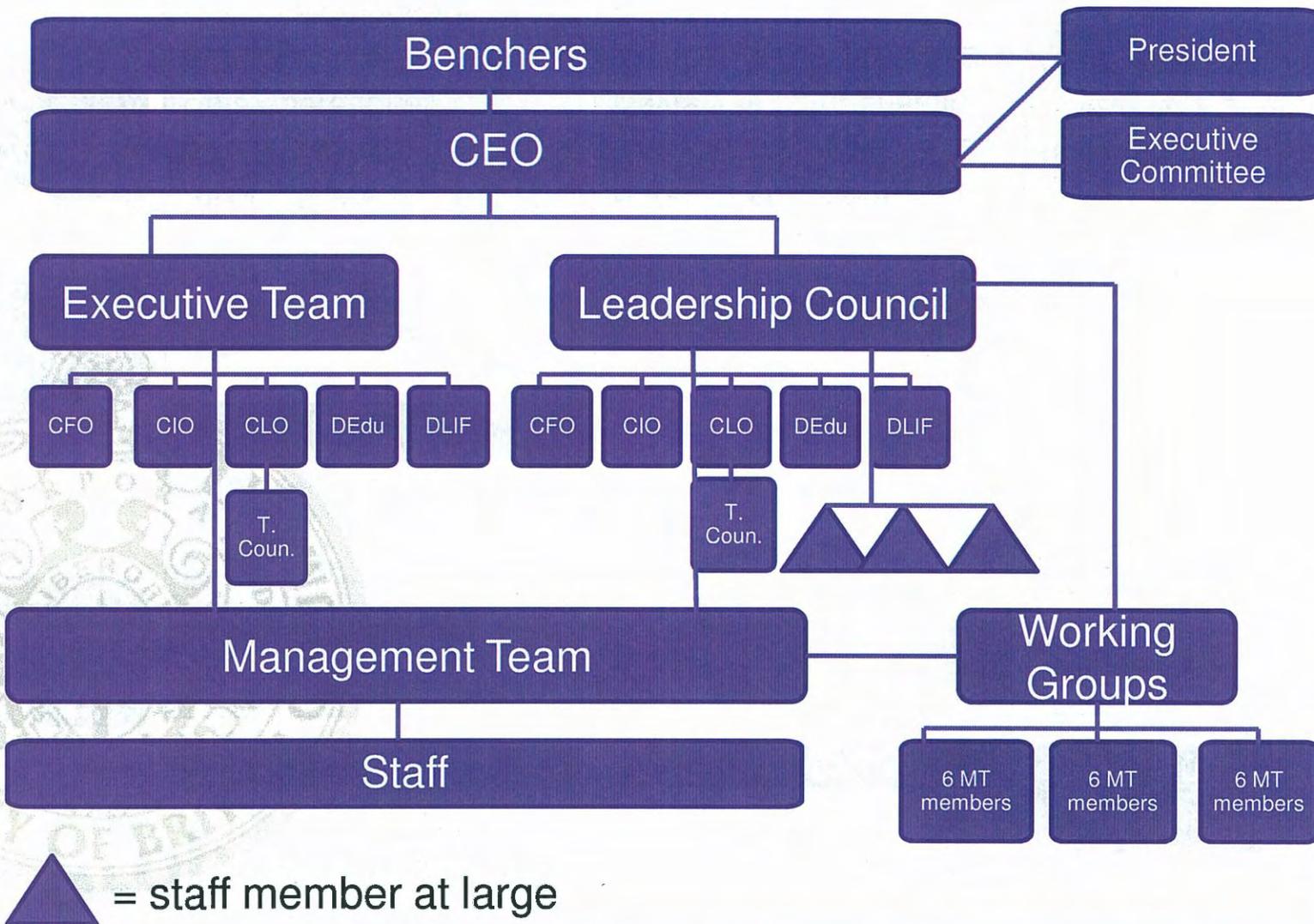
Recent project successes demonstrated wealth of management group skills – opportunity exists to take greater advantage of this.

Benefits of investment in recent management skills and leadership training should be maximized.

Workplace culture discussions showed appetite for more innovation and greater involvement in decisions that effect operations.

Timing is right, given need to develop succession planning at all levels.

# Proposed Management Structure

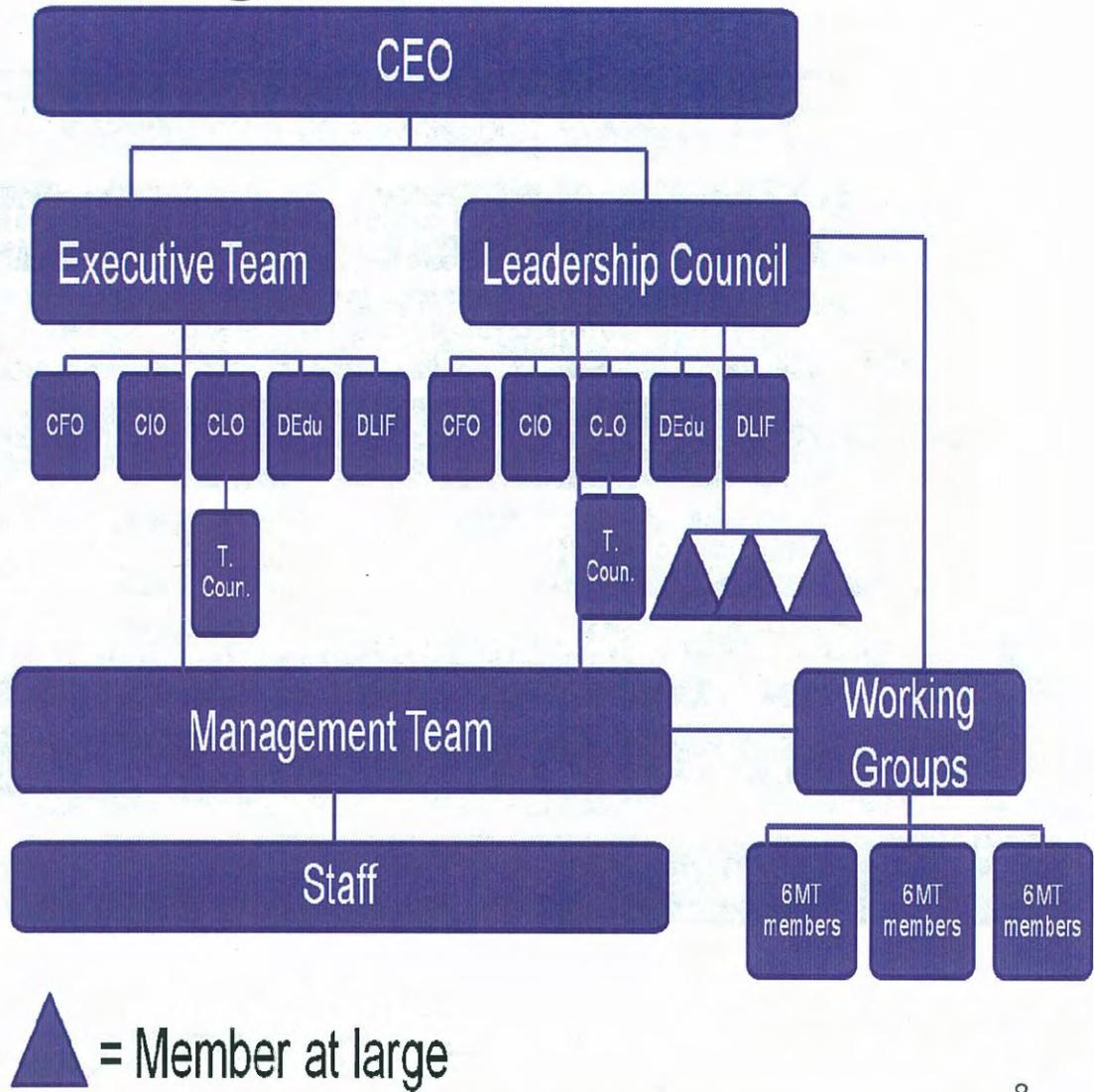


# Proposed Governance

	Leadership Council	Executive Team	Management Team/ Working Groups
Who?	<p>CEO, direct reports &amp; T. Csl. + 3 “at large” mbrs:</p> <ul style="list-style-type: none"> <li>- top/strong performers</li> <li>- willing to serve</li> <li>- CEO appoints /1 year term</li> </ul>	<p>CEO, direct reports + T. Csl.</p>	<p>All managers</p> <p>Working Groups – 3/yr</p> <p>Working Group Chair TBD by subject matter</p>
When?	<p>Meet twice a month</p>	<p>Meet ad hoc, as required</p>	<p>MT meets 1/month</p> <p>WG meets as required - set in January after operational priorities set &amp; reports out to LC</p>
What?	<p>All on LC are full, equal members</p> <p>Sets operational priorities for year</p> <p>Oversees/monitors operational priorities</p> <p>Sets/reviews operational policies</p>	<p>Bencher confidential issues</p> <p>Review of compensation policy</p> <p>RRex Awards</p> <p>CEO issues</p>	<p>Implementation planning of all operational priorities</p> <p>HR policies advisory role</p> <p>Staff / personnel issues</p> <p>Other as required <sup>7</sup></p>

# Proposed Meetings / Interactions

- Leadership Council meets 2/month
- Management Team meets 1/month
- Working Groups meet as required
- Executive Team meets as required



# Benefits of Proposed New Structure

Enhance decision making through broader perspectives.

More strategic / planning focus.

Shifts operational planning more to management team.

Managers have new opportunity for leadership development.

Added responsibility as part of Leadership Council.

Skills development and assists with succession planning.

Working groups – better use of management skills / engagement.

Better coordination and build on teamwork strengths.

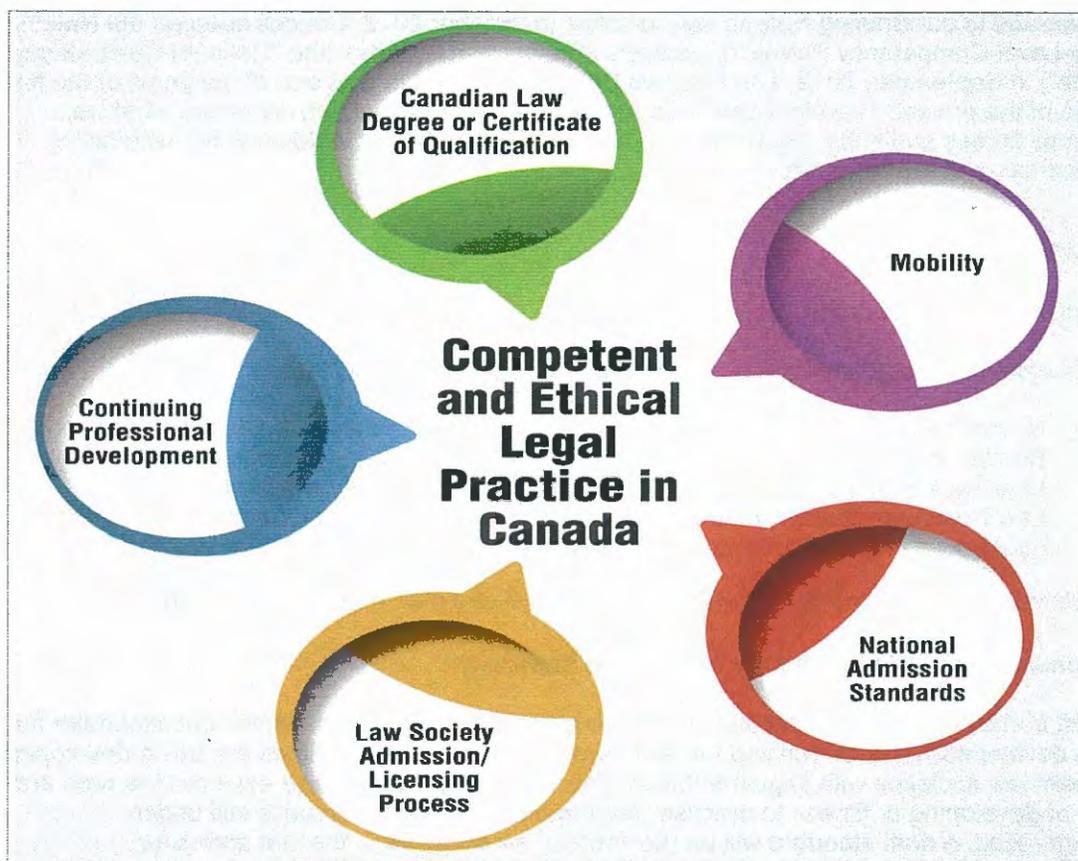


Communiqué

Spring 2013

## The Rationale For National Admission Standards

Lawyers and Quebec notaries are accountable to the public. They are required to be competent and to meet high ethical standards. Setting appropriate standards for admission to the legal profession is a critical aspect of the mandate of Canada's 14 law societies to regulate in the public interest. The diagram below illustrates some of the factors that have an impact on legal practice, including legal education, law society licensure requirements, continuing professional development and mobility. Collaboratively-driven national admission standards will ensure that entry-level legal professionals are equipped for competent and ethical legal practice anywhere in Canada, and will help law societies meet their public interest mandate given the realities of the legal practice landscape in Canada today.



In 2009, the CEOs of the law societies and the Council of the Federation identified the need to develop national standards for admission to the practice of law in Canada and the National Admission Standards Project took flight. The project reflects an important strategic priority identified by the Council of the Federation: the development and implementation of high, consistent and transparent national standards for the regulation of the legal profession.

## National Admission Standards

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In launching the project, members of Council recognized that while there is much common ground in the admission programs in Canadian law societies, significant differences do exist. With mobility, both as originally established through our mobility agreements and as now mandated by the Agreement on Internal Trade, admission to practice in one province or territory opens the door to admission in virtually every other jurisdiction in Canada. Coupled with fair access to regulated professions legislation in three jurisdictions, different admission practices may be difficult to justify as being in the public interest.

Identifying the essential competencies required of applicants for admission to practise was a key element of the first phase of the National Admissions Standards Project. Through the collaborative efforts of senior law society admission staff members (the Technical Advisory Committee), professional credentialing consultants from ProExam (formerly PES), and practicing lawyers (through the Competency Development Taskforce and survey of almost 7000 entry-level lawyers and Quebec notaries), a profile of entry-level competencies – knowledge, skills and tasks – was developed.

### Project Update

As reported in our Briefing Note to law societies in October 2012, Council adopted the National Entry-Level Competency Profile for Lawyers and Quebec Notaries (the “National Competency Profile”) in September, 2012. The National Competency Profile was one of the goals of the first phase of the project. The other was a good character standard, which describes what we mean by fitness and suitability to practise and provides guidance in determining whether applicants meet the standard.

### Phase I

#### ***Adoption of the National Competency Profile***

The National Competency Profile has been adopted by 10 law societies:

Nova Scotia Barristers' Society	Law Society of New Brunswick
Barreau du Québec	Law Society of Upper Canada
Law Society of Manitoba	Law Society of Alberta
Law Society of British Columbia	Law Society of Yukon
Law Society of the Northwest Territories	Law Society of Nunavut

Adoption is subject to the development and approval of a plan for implementation.

#### ***National Fitness and Suitability to Practise Standard***

A draft framework for the suitability to practise standard and a draft standard questionnaire has been developed. Work on refining the standard is ongoing and guidelines are being developed to assist law societies with implementation. The working group has also explored the pros and cons of developing a “fitness to practise” admission standard; the issue is still under consideration. A draft standard will be provided to law societies in the late spring for consultation. It is expected that the final standard will be ready for circulation to law societies in the fall of 2013.

## National Admission Standards

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### Phase II

Phase II of the National Admission Standards Project involves engaging with representatives of all of the law societies to identify options for implementing the National Competency Profile and the National Fitness and Suitability to Practise Standard and to reach agreement on moving forward.

#### *Implementing National Admission Standards*

The National Admission Standards Project Steering Committee set a timeline and developed a high level plan for exploring options and arriving at a recommendation for implementing National Admission Standards at its in-person meeting on December 19, 2012. The preliminary project plan identifies the major components of Phase II of the project, including a plan to engage stakeholders, the expert resources needed to complete the project, and the governance framework. The plan will be refined as stakeholders are engaged and the project unfolds. October 17, 2013 was identified as the target date by which a preliminary recommendation on implementation will be made to Council.

#### *Engaging Stakeholders*

The Steering Committee recognized that given the breadth of this endeavour, engaging law societies early in the planning process would be critical to the project's success. In Phase I, engagement efforts included involving law society staff and management through the Technical Advisory Committee and Fitness and Suitability to Practise Working Group; engaging the elected leaders and senior staff members of the law societies and various other stakeholders through Federation conferences in PEI and Vancouver; involving the profession through the Competency Development Task Force and national survey; and communicating with law society CEOs, elected leaders and senior staff through circulation of a communications package in the fall of 2012.

Teleconference meetings with CEOs on February 13, 2013 were important first steps in the engagement of key law society stakeholders in Phase II of the Project, and much of the feedback received from CEOs was echoed by senior law society staff at an in-person meeting held the following week. On February 20 and 21, a group of senior law society admission staff, several law society CEOs, Federation personnel and Don Thompson, chair of the National Admission Standards Steering Committee (23 people in total), met in Toronto to discuss Phase II. All law societies were represented directly, except for Nunavut and the Northwest Territories.

Through engaging this group, a great deal was learned about the distinctive features of each law society's admission program and the unique challenges that exist in implementing a national admission standard in different jurisdictions. The valuable feedback from these meetings will help tailor the planning as the project moves forward. The meeting provided an opportunity to engage senior law society staff members and to bring attendees up to speed on the status of the project and the time frame for achieving the first milestone by October 2013. The concepts of defensibility and consistency in evaluation and training were discussed, and a process for working together and moving forward was explored.

## National Admission Standards

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### Governance Framework

The National Admission Standards Steering Committee, comprised of law society CEOs, volunteers and senior Federation staff, will continue to provide overall direction and oversight for the project. Its members will provide regular reports to Council of the Federation and ensure that law societies are kept well informed about progress. The Steering Committee will meet regularly by teleconference and in person.

Senior Federation staff will manage the project. With assistance from law society staff and credentialing experts, they will also carry out much of the substantive work. Law society elected leaders are key players in this initiative and the project will only succeed with your support. The Steering Committee recognizes that an open flow of communication about the project among those involved on the ground and law society leaders is critical. We will provide you with timely information and we invite your input and engagement, so that you are well informed about the content of the project recommendations and the process followed in reaching them.

### Next Steps

The next step is to engage expert consultants to work with senior law society admissions staff and members of the profession to identify both which competencies in the National Competency Profile applicants should be tested on and how each competency might be best assessed. The list of competencies is long and not all substantive legal knowledge, skills and tasks can or need be tested. Using the data obtained through the national survey, the review process will identify what is most important to test based on factors such as criticality (how critical the skill/task is from a risk perspective), and frequency (how often the knowledge is used). This preliminary process, referred to as competency mapping, will also provide guidance on options for assessing the competencies.

The Federation is in the process of retaining a consultant for the competency mapping exercise. Information from the consultant is needed before the timeline and project plan can be finalized. We will continue to engage law society staff and practising lawyers to assist us in this critical strategic review process. A further Communiqué addressing developments in the Project will be provided in the summer, 2013.



**MEMORANDUM OF UNDERSTANDING**

BETWEEN

**THE MINISTER OF JUSTICE AND ATTORNEY GENERAL OF BRITISH COLUMBIA**

-AND-

**THE CHIEF JUSTICE OF BRITISH COLUMBIA**

-AND-

**THE CHIEF JUSTICE OF THE SUPREME COURT OF BRITISH COLUMBIA**

-AND-

**THE CHIEF JUDGE OF THE PROVINCIAL COURT OF BRITISH COLUMBIA**

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**1. PREAMBLE**

- 1.1.** The Attorney and the Chief Justices acknowledge their joint responsibility for the administration of justice in the Province of British Columbia, with each playing a vital role in the administration of each of the Courts.
- 1.2.** The Attorney and the Chief Justices are committed to developing and maintaining an accessible, modern, and effective justice system in the Province of British Columbia that delivers timely, impartial, and open justice.
- 1.3.** The Chief Justices recognise that the Attorney is accountable to the Legislative Assembly of British Columbia for the expenditure of public resources required for the administration of justice and, in particular, those resources that are used to operate each of the Courts.
- 1.4.** The Attorney recognises that the Chief Justices are responsible for efficient and effective Judicial Administration and that each of the Courts must be given sufficient resources to allow them to carry out their functions under the *Constitution Act, 1867* (U.K.), 30 & 31 Vict, c. 3, reprinted in R.S.C. 1985 App. II, No. 5, and their Empowering Legislation.

1.5. The Attorney recognises that the Courts are an independent branch of government and that the constitutional principle of Judicial Independence must be respected to maintain the rule of law and to ensure public confidence in the administration of justice.

1.6. The Attorney and the Chief Justices recognise that Court Administration should be pursued collaboratively to ensure that resources are used as efficiently and effectively as possible.

## 2. PURPOSE

2.1. The purpose of this Memorandum of Understanding is to describe the roles and responsibilities of the Attorney and the Chief Justices in the administration of the Courts.

2.2. This Memorandum of Understanding does not create, purport to create, or detract from any law or legal rights or responsibilities that exist or may exist in the future between the Attorney and the Chief Justices. It is not intended as a justiciable document.

## 3. DEFINITIONS

3.1. **“Attorney”** means the Minister of Justice and Attorney General of British Columbia, or either role, as applicable.

3.2. **“Business Intelligence”** means the collection, storage, disclosure, and/or use of data, the goal of which is to study or otherwise influence the productivity or effectiveness of a process and includes strategic planning, analytics, performance measurement, and performance planning.

3.3. **“Chief Administrator of Court Services”** means the Assistant Deputy Minister of Court Services in the Ministry of Justice of British Columbia.

3.4. **“Chief Justice(s)”** means the Chief Justice of British Columbia, the Chief Justice of the Supreme Court of British Columbia, and the Chief Judge of the Provincial Court of British Columbia, or any of them, when used in singular form.

3.5. **“Court(s)”** means the Court of Appeal for British Columbia, the Supreme Court of British Columbia, and the Provincial Court of British Columbia, or any of them, when used in singular form.

- 3.6. **“Court Administration”** means the management and direction of matters necessary for the operation of the Courts or other matters assigned to the Attorney by law. Court Administration specifically excludes Judicial Administration.
- 3.7. **“Court Administration Record(s)”** means a record or records relating to Court Administration. Court Administration Record(s) includes information in aggregate and/or electronic form, but does not include a Court Record or Judicial Administration Record.
- 3.8. **“Court Record(s)”** means anything on or by which information, in whole or part, is stored that relates to proceedings before the Courts and includes the information itself. Court Record(s) includes information in aggregate and/or electronic form, but does not include a Court Administration Record or Judicial Administration Record.
- 3.9. **“Court Staff”** means an employee or employees appointed under the *Public Service Act*, R.S.B.C. 1996, c. 385, who provide services to the Courts, but excludes those managed by an Office of the Chief Justice.
- 3.10. **“Deputy Attorney”** means the Deputy Attorney General of the Ministry of Justice of British Columbia.
- 3.11. **“Empowering Legislation”** means, as applicable, the *Court of Appeal Act*, R.S.B.C. 1996, c. 77, the *Supreme Court Act*, R.S.B.C. 1996, c. 443, the *Provincial Court Act*, R.S.B.C. 1996, c. 379, or any other act or regulation of the Legislative Assembly of British Columbia or Parliament of Canada that enables the Courts to exercise their powers or grants jurisdiction to any of the Courts.
- 3.12. **“Judicial Administration”** means the management and direction of matters related to judicial functions, and includes, at a minimum, matters connected to the preparation, management, and adjudication of proceedings in the Courts and all other matters assigned to the judiciary by law or through this Memorandum of Understanding. Judicial Administration specifically excludes Court Administration.
- 3.13. **“Judicial Administration Record(s)”** means a record or records relating to Judicial Administration, and includes, as defined in the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165, a record or records containing information relating to a judge, master, or justice of the peace. For greater certainty, it includes a record or records relating to a registrar, judicial justice, or judicial case manager. Judicial Administration Record(s) includes information in aggregate

and/or electronic form, but does not include a Court Record or Court Administration Record.

- 3.14. “Judicial Independence”** includes the judicial independence of an individual judge, justice or other court officer exercising a judicial function, and/or the administrative and institutional independence of a Court.
- 3.15. “Office of the Chief Justice”** means, for each of the Courts, the Chief Justice and legal and administrative personnel under his or her direction whose function relates to Judicial Administration of that Court. The Office of the Chief Justice excludes the Deputy District Registrar(s) of the Supreme Court and Deputy Registrar(s) of the Court of Appeal, but includes all other registrars, executive directors, law or legal officers, public information officers, judicial law interns or clerks, Court scheduling staff, and any other personnel whose function relates to Judicial Administration.

#### **4. CONSTITUTIONAL AND LEGISLATIVE AUTHORITY**

##### **4.1. *Constitutional Principles***

- 4.1.1.** Section 96 of the *Constitution Act, 1867* provides that “The Governor General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.”
- 4.1.2.** Subsection 92(14) of the *Constitution Act, 1867* provides for the administration of justice in the Provinces, including the constitution, maintenance, and organization of provincial courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those courts.
- 4.1.3.** Subsection 11(d) of the *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11, section 96, and the preamble of the *Constitution Act, 1867* have been recognised by the Supreme Court of Canada as affirming the principle of Judicial Independence in Canada.

##### **4.2. *The Attorney General Act***

- 4.2.1.** Section 2 of the *Attorney General Act*, R.S.B.C. 1996, c. 22, provides for the duties and powers of the Attorney in respect of the administration of justice in the Province of British Columbia.

#### **4.3. *The Court of Appeal Act***

- 4.3.1.** Section 2 of the *Court of Appeal Act* provides for the continuation of the Court of Appeal for British Columbia.
- 4.3.2.** Section 32 of the *Court of Appeal Act* provides for the appointment of certain persons under the *Public Service Act* and provides that “Subject to the direction of the Chief Justice in matters of judicial administration and to the direction of the Attorney General in other matters, the chief administrator of court services for the Court of Appeal must direct and supervise facilities, registries and administrative services for the Court of Appeal.”

#### **4.4. *The Supreme Court Act***

- 4.4.1.** Section 2 of the *Supreme Court Act* provides for the continuation of the Supreme Court of British Columbia.
- 4.4.2.** Subsection 2(3) of the *Supreme Court Act* provides that the Chief Justice of the Supreme Court has responsibility for the administration of the judges of the Supreme Court of British Columbia.
- 4.4.3.** Subsection 10(1) of the *Supreme Court Act* provides that “The Attorney General is responsible for the provision, operation and maintenance of court facilities, registries and administrative services.”
- 4.4.4.** Subsections 10(2) and 10(4) of the *Supreme Court Act* provide for the appointment and responsibilities of the chief administrator of court services with respect to the Supreme Court of British Columbia.
- 4.4.5.** Subsection 10(3) of the *Supreme Court Act* provides that “Subject to the direction of the Attorney General, and to the direction of the Chief Justice in matters of judicial administration and the use of court room facilities, the chief administrator of court services must direct and supervise registries and administrative services for the court.”

#### **4.5. *The Provincial Court Act***

- 4.5.1. Section 2 of the *Provincial Court Act* provides for the continuation of the Provincial Court of British Columbia.
- 4.5.2. Subsection 41(1) of the *Provincial Court Act* provides that “The Attorney General is responsible for the provision, operation and maintenance of court facilities and services.”
- 4.5.3. Subsection 41(2) of the *Provincial Court Act* provides that “Subject to the direction of the Attorney General, and to the direction of the chief judge in matters of judicial administration, the chief administrator of court services must direct and supervise facilities, registries and administrative services for the court.”
- 4.5.4. Subsection 41(3) of the *Provincial Court Act* provides that “The Attorney General may appoint, under the *Public Service Act*, persons the Attorney General considers necessary to carry out the purposes of this *Act*.”
- 4.5.5. Subsection 41(3.1) of the *Provincial Court Act* provides that “The chief administrator of court services, for the purposes of carrying out his or her duties under this *Act*, may disclose to the chief judge information regarding the conduct of persons appointed under subsection (3) in the performance of their duties under this *Act*.”
- 4.5.6. Subsection 41(4) of the *Provincial Court Act* provides that “The Attorney General may make regulations respecting the operation and maintenance of court facilities and services.”

#### **4.6. *The Justice Reform and Transparency Act***

- 4.6.1. Subsections 10(1), 10(2), and 10(3) of the *Justice Reform and Transparency Act*, S.B.C. 2013, c. 7, provides that the Attorney and the Chief Justices may enter into a memorandum of understanding governing any matter relating to the administration of their respective Courts.
- 4.6.2. Subsection 10(4) of the *Justice Reform and Transparency Act* provides that the memorandum of understanding may address the respective roles and responsibilities of the parties in the administration of the courts and may

specify how those parties are to share information, promote effective court administration, and report to the public.

- 4.6.3. Subsection 10(5) of the *Justice Reform and Transparency Act* provides that the Attorney may publish, in a manner that can reasonably be expected to bring to the attention of the public, all or part of the memorandum of understanding, except to the extent the memorandum of understanding otherwise provides.

## 5. **ADMINISTRATION OF THE COURTS OF BRITISH COLUMBIA**

### 5.1. *The Role of the Chief Justices*

- 5.1.1. Each Chief Justice has sole responsibility to manage and direct Judicial Administration in his or her Court, including the following specific areas:
- 5.1.1.1. the education and management (and for the Provincial Court, conduct and discipline) of justices, judges, masters, judicial justices, judicial case managers, and registrars;
  - 5.1.1.2. the scheduling and assignment of justices, judges, masters, judicial justices, judicial case managers, and registrars as well as managing court sittings and courtrooms;
  - 5.1.1.3. the supervision and control of Court Staff when carrying out functions related to Judicial Administration;
  - 5.1.1.4. the supervision and control of Sheriffs, as officers of the Court, when carrying out functions related to Judicial Administration;
  - 5.1.1.5. the independent management, budgeting, appointment, and staffing of an Office of the Chief Justice;
  - 5.1.1.6. the supervision and control of Court Records and Judicial Administration Records;
  - 5.1.1.7. the supervision and control of information technology related to Judicial Administration;

- 5.1.1.8. the supervision and control over the use of Court facilities, including courtrooms, courthouses, and other facilities when those uses relate to Judicial Administration or, for greater certainty, have the potential to affect the dignity and decorum of the Court(s);
- 5.1.1.9. the issuance of practice directives and other notices governing matters of practice and procedure, decorum, and matters relating to Judicial Administration;
- 5.1.1.10. the design and implementation of public and media relations strategies, including public education initiatives that relate to Judicial Administration;
- 5.1.1.11. the design, implementation, and reporting to the public of Business Intelligence relating to Judicial Administration; and
- 5.1.1.12. other matters assigned to the judiciary by law.

**5.2. *The Role of the Attorney***

- 5.2.1. The Attorney has sole responsibility to manage and direct Court Administration in the Courts, including the following specific areas:
  - 5.2.1.1. the establishment of Court registries;
  - 5.2.1.2. the provision, operation, and maintenance of Court facilities, registries, and administrative services;
  - 5.2.1.3. the appointment, management, reclassification, and termination of Court Staff;
  - 5.2.1.4. the supervision and control of Court Staff when those staff are carrying out functions related to Court Administration;
  - 5.2.1.5. subject to subsection 5.1.1.6 of this Memorandum of Understanding, the management and storage, including archiving, of Court Records, Court Administration Records, and those Judicial Administration Records that the Chief Justice(s) request the Attorney to manage, store, and/or archive.

- 5.2.1.6. the security and safety of any person within a Court facility or a facility where a function relating to Judicial Administration is occurring, including emergency planning;
- 5.2.1.7. the administration of the Sheriffs, as outlined in the *Sheriff Act*, R.S.B.C. 1996, c. 425;
- 5.2.1.8. the design and implementation of public and media relations strategies relating to Court Administration;
- 5.2.1.9. the design, implementation, and reporting to the public of Business Intelligence relating to Court Administration; and
- 5.2.1.10. other matters assigned to the Attorney by law.

## 6. COLLABORATION AND CONSULTATION

### 6.1. *General Acknowledgement*

- 6.1.1. Given the division of roles and responsibilities described in section 5 of this Memorandum of Understanding, the Chief Justices and the Attorney agree that collaboration and consultation on matters of Judicial Administration and Court Administration are necessary to develop and maintain an accessible, modern, and effective justice system.
- 6.1.2. The Chief Justices acknowledge that the Attorney should be consulted in a timely, transparent, and accountable way on any programs or initiatives developed by an Office of the Chief Justice or delegates thereof that may affect Court Administration.
- 6.1.3. The Attorney acknowledges that the Chief Justices should be consulted in a timely, transparent, and accountable way on any programs or initiatives developed by the Attorney or delegates thereof that may affect Judicial Administration.

## **6.2. Provision of Resources**

- 6.2.1.** The Attorney acknowledges responsibility to provide sufficient resources to each of the Courts to allow them to carry out their functions under the *Constitution Act, 1867* and their Empowering Legislation.
- 6.2.2.** The Attorney and the Chief Justices acknowledge that public funds must be used efficiently and effectively to fund the operation of the Courts.
- 6.2.3.** The Attorney and the Chief Justices acknowledge that the preservation of a fair, independent, and impartial Court system is a priority in the allocation of public funds.
- 6.2.4.** As part of the Attorney's commitment to provide sufficient resources to the Courts, the Attorney agrees to consult directly with the Chief Justice(s), as appropriate, but at a minimum, semi-annually, on the resource needs of their Court or the Courts generally, with particular regard to the following:
  - 6.2.4.1.** the general workload of the Court(s) and adjustments to the complement of each of the Courts;
  - 6.2.4.2.** changes to the law, both federal and provincial, including to Empowering Legislation, that may affect the workload of the Court(s);
  - 6.2.4.3.** changes to the demographics of British Columbia, including population growth and composition, that may affect the workload of the Court(s);
  - 6.2.4.4.** the presence of self-represented litigants and access to the Court(s) generally;
  - 6.2.4.5.** the use of technology and the modernisation of Court facilities, registries, and administrative services;
  - 6.2.4.6.** the needs of each Office of the Chief Justice, including those with respect to budgeting, strategic planning, and personnel; and

**6.2.4.7.** any further issues that are identified by the Attorney or the Chief Justice(s) and consented to, in writing, by the Attorney and the Chief Justice(s).

**6.2.5.** When the Attorney identifies and assesses resource needs related to Court Administration, the Attorney will develop proposals to address those resource needs and provide reasonable time for consultation with the Chief Justice(s) prior to the approval of a proposal.

**6.2.6.** The Chief Justices recognise that, for meaningful decisions to be made about providing sufficient resources to the Courts, information concerning the resource needs of the Courts and Judicial Administration must be provided to the Attorney.

**6.2.7.** With specific respect to subsection 6.2.4.1 of this Memorandum of Understanding, when the issue of judicial complement is to be addressed by the Attorney, each Chief Justice agrees to deliver information to the Attorney concerning the workload of his or her Court, trends in that workload, and the capacity of the existing judicial complement in his or her Court to address that workload.

**6.3. *Budgeting***

**6.3.1.** Every year, each Office of the Chief Justice shall prepare a yearly budget of expenditures for his or her Court for the following fiscal year, and an estimate of expenditures for the following two fiscal years, for inclusion in the budget of the Ministry of Justice and approval by the Treasury Board of British Columbia.

**6.3.2.** The yearly budgets of expenditures shall be submitted to the Deputy Attorney in sufficient time to be reviewed and finalised by the Deputy Attorney.

**6.3.3.** The Attorney and the Chief Justices agree that no changes to the operating budget of the Court(s) for the following year shall be made without reasonable consultation with Office(s) of the Chief Justice before the end of each fiscal year.

**6.4. Facilities**

**6.4.1.** Where new courthouse facilities or significant alterations to existing facilities impacting operations or decorum are planned, at an early stage and before any undertaking or public commitment is made respecting a proposed project, the Attorney shall provide timely notice and detailed descriptions of the proposed project to, and consult with, the Chief Justice(s).

**6.4.2.** As part of that consultation process, the Attorney and the Chief Justices recognise that the following standards shall be considered: the dignity of the Court(s), the importance of the rule of law, the open court principle, and access to justice, Judicial Independence, the need to modernise the Court(s), and the effective and efficient use of public resources.

**7. BUSINESS INTELLIGENCE**

**7.1.** At the direction of a Chief Justice, each of the Courts may explore implementing a process for the use of Business Intelligence as it relates to Judicial Administration or, with the cooperation of the Attorney, Court Administration.

**7.2.** The Attorney agrees to consult with the Chief Justices on the development or use of Business Intelligence relating to Court Administration.

**7.3.** The Attorney shall not conduct any Business Intelligence activity that affects, or has the potential to affect, Judicial Administration or that impairs, or has the potential to impair, Judicial Independence.

**8. ANNUAL REPORTS**

**8.1.** The Chief Justice of British Columbia and the Chief Justice of the Supreme Court of British Columbia shall cause to be published an annual report prior to April 1 for his or her Court for the previous year that shall include a report on Judicial Administration in that Court.

**8.2.** The Chief Judge of the Provincial Court shall cause to be published an annual report prior to July 1 for his or her Court for the previous year that shall include a report on Judicial Administration in that Court.

**8.3.** The publication of annual reports that conform to these requirements shall commence in calendar year 2014.

**9. INFORMATION TECHNOLOGY**

- 9.1.** The Attorney and Chief Justices acknowledge the need to maintain a judicial technology environment with comprehensive security and privacy specifications for Judicial Administration, having due consideration to the principles outlined in the Canadian Judicial Council's *Blueprint for the Security of Judicial Information*, published from time-to-time.
- 9.2.** The Attorney recognises that, to ensure the integrity and security of information generated by the judiciary and Judicial Administration Records, a separate judicial information technology network and infrastructure is necessary for Judicial Administration of the Courts.

**10. COURT RECORDS AND INFORMATION**

**10.1. *Access to and Use of Records***

- 10.1.1.** As outlined in subsections 5.1 and 5.2 of this Memorandum of Understanding, there is a shared responsibility for Court Records.
- 10.1.2.** The Chief Justice of the Court to which the Court Record relates is responsible for developing policies on access to and use of Court Records and Judicial Administration Records.
- 10.1.3.** Access to and use of Court Administration Records is governed by the *Freedom of Information and Protection of Privacy Act*.
- 10.1.4.** The Chief Administrator of Court Services is responsible for developing policies and procedures for managing, auditing, and ensuring that access to Court Records conforms to the policies developed by the Chief Justice in the Court to which the Court Records relate.

**10.2. *Combining of Records***

- 10.2.1.** The Attorney and the Chief Justices recognise that, in practice, Court Records, Judicial Administration Records, and Court Administration Records, or any of them, may merge, particularly when in aggregate and/or electronic form.

**10.2.2.** When Court Records or Judicial Administration Records form part of Court Administration Records, authorisation from the Chief Justice(s) must be obtained for the use and/or disclosure by the Attorney, unless such use and disclosure is already permitted by policies developed by the Chief Justice in the Court to which the Court Records or Judicial Administration Records relate.

**10.2.3.** At the request of the Attorney, the Chief Justice(s) to which the Court Record or Judicial Administration Record relates may prepare a schedule of certain types or categories of Court Records and Judicial Administration Records where permission for specified use(s) and/or disclosure shall be granted as a matter of course or on terms and conditions set by the Chief Justice(s).

**10.3. *Support to the Courts***

**10.3.1.** Through the Chief Administrator of Court Services, the Attorney agrees to the continued provision of sufficient staff, including Court Staff, and sufficient resources to manage, store, and archive Court Records for each of the Courts.

**10.3.2.** Nothing in this Memorandum of Understanding affects the *Protocol Agreement on the use of Court Technology in Electronic Form* signed by the Chief Justices and the Chief Administrator of Court Services on 29 October 2002, nor does it affect any existing protocol or agreement between the Court(s) and the Ministry of Justice and/or Ministry of the Attorney General of British Columbia.

**11. APPROVAL, TERMINATION, AND RENEWAL**

**11.1.** This Memorandum of Understanding takes effect on the date of its signature by the Attorney and the Chief Justices.

**11.2.** This Memorandum of Understanding:

**11.2.1.** is subject to amendment with the agreement in writing of all parties to this Memorandum of Understanding at any time;

- 11.2.2. is subject to review at any time by the Attorney or the Chief Justice(s) on receipt of a written request from a party to this Memorandum of Understanding;
- 11.2.3. may be terminated by the Attorney or any Chief Justice(s) as it relates to his or her Court at any time on thirty (30) days written notice;
- 11.2.4. shall be reviewed upon the appointment of a new person to the office of the Attorney or Chief Justice and, unless that new person repudiates in writing this Memorandum of Understanding within ninety (90) days of that appointment, this Memorandum of Understanding remains in effect; and
- 11.2.5. if a Chief Justice elects to terminate or a new Chief Justice elects to repudiate this Memorandum of Understanding under subsections 11.2.3 or 11.2.4 respectively, this Memorandum of Understanding shall continue in effect between the remaining Chief Justice(s) and the Attorney.

THIS MEMORANDUM OF UNDERSTANDING effective this 3rd day of April, 2013.

"Shirley Bond"

*The Honourable Shirley Bond*  
**Minister of Justice and Attorney General**  
**Province of British Columbia**

"Lance S.G. Finch, CJBC"

*The Honourable Lance S.G. Finch*  
**Chief Justice of British Columbia**

"Robert J. Bauman, CJSC"

*The Honourable Robert J. Bauman*  
**Chief Justice of the Supreme Court of**  
**British Columbia**

"Thomas J. Crabtree, CJPC"

*The Honourable Thomas J. Crabtree*  
**Chief Judge of the Provincial Court of**  
**British Columbia**



# Memo

To: Benchers  
From: Robyn Crisanti  
Date: March 26, 2013  
Subject: For information only: Bencher participation in Law Society Speakers Bureau

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The Law Society's Speakers Bureau was launched in 2012 and so far has included only staff speakers. At the request of some Benchers, the program is now being expanded beyond staff to include Benchers who would like to speak publicly on behalf of the Law Society, either to lawyers or the general public.

In addition, regardless of whether Benchers are registered Law Society speakers, we wish to capture all instances of Benchers speaking publicly so that overall outreach efforts can be reported annually.

This memo outlines the suggested related processes.

## **Process to be a Law Society Speaker**

1. Advise Communications, who will add you to the online roster of Law Society speakers and clarify the topics on which you wish to speak.
2. As requests come in, you will be contacted by Communications as appropriate (given the topic and geographical area) to gauge your level of interest.
3. If you agree to take on a particular speaking engagement, you will be put in contact with the event organizer to determine the particulars.
4. If you require speaking notes, they will be provided by Communications.

## **Process to report your speaking engagements**

To ensure any public speaking you do is included in the annual Speakers Bureau report, please forward the following information to Communications:

- Name of audience group

- Date of presentation
- Approximate size of audience
- Topic of presentation

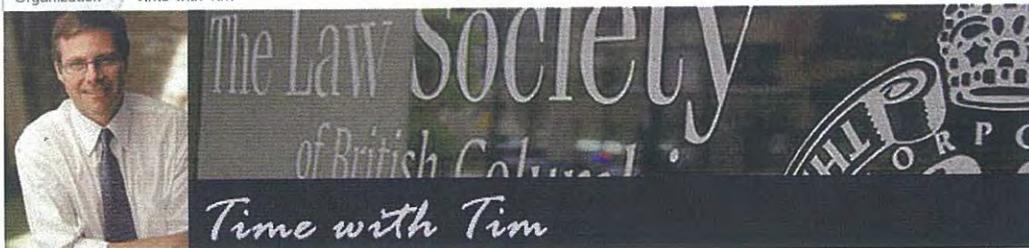
The report of all public speaking activity will be written shortly after year end on an annual basis.

The Law Society of British Columbia

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Organization Time with Tim



Quick links: [What's new](#) | [In the pipeline](#) | [Of interest](#) | [Reports](#)

Welcome to *Time with Tim*. Here I hope to give you information on our organizational goals and to learn a little about each other along the way. I'll be keeping this page up to date with the status of our organizational priorities and will provide updates from Bencher and management meetings and Breakfast with Tim.

## What's new

### Breakfast with Tim invitations in the mail

By now most of you have received invitations to Breakfast with Tim. I've increased the number of breakfasts per month to try and meet with everyone before August; however, due to the small group sizes some breakfasts will occur in the fall. If you have not received an invitation to a breakfast, please understand that we are in the process of scheduling fall dates and invitations will be sent out shortly.

I'm very excited to see that the majority of people receiving invitations so far have been able to accept them and I'm looking forward to getting together.

### Breakfast with Tim

Starting in April, I will host monthly off-site breakfast meetings with staff. This is an informal opportunity to get to know other employees and share comments and suggestions with one another. Each breakfast will include randomly-selected staff members from across the organization. Over the course of 2013, I am hopeful that everyone will be able to attend a breakfast meeting.

## In the pipeline

### Project Leo

We're nearing the end of Project Leo and entering an exciting new road ahead for the Law Society. With training complete and Leo installed on everyone's computers, we are looking at the April 30 deadline of closing the network drives to saving. I encourage everyone to start using Leo and become comfortable with creating, saving and searching for documents. Personally, I've found using Recently Edited Documents and Content Searching highly effective in finding the documents I'm looking for. The project team has scheduled additional training sessions in April to help you become proficient. To register for a training session or for more information about the project, visit the project page.

### Lawyer Support and Advice Project

As one of the operational priorities for 2013, this project will develop a recommendation for how lawyer advice and practice support at the Law Society can be delivered in an effective, efficient and consistent manner. The first stage of the project is to gather ideas on how to improve lawyer advice and support, and the project team is reaching out to all staff. This is an exciting opportunity for you to be involved in a major project, to think innovatively and to provide ideas on how we as an organization can reach this important goal. Interviews have been held with individual departments; however, you are welcome to submit any suggestions or ideas to the project team. After ideas have been generated, a telephone survey of lawyers will commence in April to get input on our ideas. [Click here](#) to

### Highlights of Tim's April Calendar:

Presiding over the first Call & Admissions Ceremony of 2013

Meetings with several legal community stakeholders

Continuing working with Management Group on management review and renewal project

Saving all new documents into Leo

### Contact me

Stop by my office or send me an email - [tmcgee@lsbc.org](mailto:tmcgee@lsbc.org)

### Bits

Birthplace:  
Victoria, BC

Favorite movie:  
*The Great Escape*

Favorite local restaurant:  
*Chambar*

### UPCOMING EVENTS

- *May 01: Bencher Agenda Materials (Final form deadline)*
- *May 01: Room 914 -Costco marketing presentation*
- *May 02: Management Group Meeting*
- *May 10: Bencher Meeting*
- *May 14: Management Board Meeting*

### MY LINKS [+/-]

- [A-Z Directory](#)
- [Employee Pro](#)
- [Forms and Templates](#)
- [Law Society Information System \(LSIS\)](#)
- [Meeting Room Schedule](#)
- [Planned Absences](#)
- [Record Pro](#)
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- [My ADP](#)
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### MY CONTACTS [+/-]

### COMMITTEE MEETINGS

- *May 06: Legal Service Providers Task Force*
- *May 07: Complainants' Review Committee*
- *May 08: Rule of Law and Lawyer Independence Advisory Committee*
- *May 09: Practice Standards Committee*
- *May 09: Act and Rules Subcommittee*

submit an idea or for more information about the project, visit the [project page](#).

## Of interest

### RRex

For at least two reasons, RRex is a remarkable program for recognizing and rewarding employee excellence. First, it has been built from the ground up; that is, we have surveyed and consulted with staff over the past year to ensure that the program is responsive to the types of incentives and recognition that will motivate performance, innovation and teamwork. Second, because of the thorough external research we have done on this topic, we have also been able to design the program based upon the best features of successful programs elsewhere.

Congratulations to Denise Findlay, our first recipient of the Golden Lion Award! Nominated by a colleague, Denise was recognized for her commitment and dedication to high quality work. More information about RRex is available [here](#).

Profession you would most like to try:  
*Architecture*

Favourite mentor: *My late uncle*

Person you would most like to meet: *Winston Churchill*

### 2012 Employee Survey feedback

Our seventh consecutive employee survey was conducted in November of 2012. We had a record high response rate for the survey and the results are both interesting and encouraging on several fronts. Key points that came out of the employee survey and that I plan to focus on this year are:

- connecting more with staff through Lex and monthly breakfasts
- increasing transparency around organizational priorities
- working towards creating more autonomy for all staff

### 2013 Operational Priorities

We are a high-performing organization dedicated to excellence. At the same time, we should always look for innovative ways to do things better, more efficiently or more effectively. Here are the five operational priorities for management for 2013:

1. Review and renewal of management structure
2. Lawyer Advice and Support Project
3. Support for Legal Service Provider Task Force
4. Regulation of law firms – policy and operational assessment
5. Implementation of Governance Review Task Force report

Detailed information on each priority can be found [here](#) or in my January report to Benchers.

### Federation of Law Societies of Canada 2013 Semi-Annual Conference, March 20-22

I attended the Federation of Law Societies of Canada Semi-Annual Conference and Council meeting in Quebec City. The theme of the conference was "Globalization and Risk Management: Challenges for Law Societies". I gave a presentation on the topic of Globalization and International Trade in Legal Services which focused on the major trends associated with the globalization of law and a call for a unified approach to certain aspects of regulation. The highlight for me among the practical topics were the workshops focused on what all law societies are doing and could be doing to help lawyers comply with their professional and regulatory requirements. The most compelling presentation on the strategic front was given by Mr. Michel Nadeau, the head of the Quebec Institute for Governance of Private and Public Organizations, who reviewed public survey data which strongly suggests that regulatory bodies must never underestimate the public's high expectations that we do our jobs in a demonstrably effective and efficient manner.

More information on the conference can be found in my [April report to Benchers](#).

### Inaugural BC Justice Summit, March 15-16

The "Inaugural Justice Summit", at the UBC Law School, focused on reforms to the criminal justice system and was comprised of two full-day working sessions broken down into two parts. The Friday afternoon session focused on identifying the values that should guide the criminal justice system. The Saturday session built on that foundation but carried on into more detailed small group discussions around what the priorities should be and how future Justice Summits could help address and facilitate desired reforms. I acted as moderator for the working sessions on Friday and Saturday and George Thompson, a former deputy attorney general and former Provincial Court Judge in Ontario, acted as facilitator.

The working sessions were attended by approximately 40 delegates, including senior representatives drawn from the principal participants and parties with an interest in the criminal justice system. In addition, Chief Justice Finch, Associate Chief Justice Cullen, Chief Judge Crabtree and Associate Chief Gill were in attendance for all of the Saturday sessions and participated actively in the discussions. Overall, the delegates were certainly engaged in the process and in the exchange of views and ideas. In the wrap-up there was a strong consensus that providing a safe and informal forum for the exchange of ideas and information among the key participants was a very useful tool to addressing the vexing issues of the day; however, it was also clear that the issues are complex and not easily addressed without considerable resolve and collaboration.

More information about the Summit can be found in my [April report to Benchers](#).

**Updated on:** Apr-22-2013 12:23 PM by dpapove

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Please email submissions and comments to [communications@lsbc.org](mailto:communications@lsbc.org)

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