



# Minutes

## Benchers

Date: Friday, June 13, 2014

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

Excused: Claude Richmond  
Thomas Fellhauer  
Miriam Kresivo, QC  
David Mossop, QC

Staff Present:	Tim McGee, QC	Ryan Lee
	Deborah Armour	Michael Lucas
	Taylor Ashlie	Bill McIntosh
	Lance Cooke	Jeanette McPhee
	Su Forbes, QC	Doug Munro
	Andrea Hilland	Alan Treleaven
	Jeffrey Hoskins, QC	Adam Whitcombe

Guests: Dom Bautista	Executive Director, Law Courts Center
Mark Benton, QC	Executive Director, Legal Services Society
Johanne Blenkin	Chief Executive Officer, Courthouse Libraries BC
Kari Boyle	Executive Director, Mediate BC Society
Anne Chopra	Equity Ombudsperson
Richard Fyfe, QC	Deputy Attorney General of BC, Ministry of Justice, representing the Attorney General
Jeremy Hainsworth	Reporter, Lawyers Weekly
Gavin Hume, QC	Law Society Member of the Council of the Federation of Law Societies of Canada
Colin Lachance	President, Canadian Legal Information Institute
Caroline Nevin	Executive Director, Canadian Bar Association, BC Branch
MaryAnn Reinhardt	BC Paralegal Association
Richard Parsons	President, Trial Lawyers Association of BC
Alex Shorten	Vice President, Canadian Bar Association, BC Branch
Prof. Jeremy Webber	Dean of Law, University of Victoria

## **Bencher's Oath of Office**

President Lindsay administered the Bencher's oath of office, which was affirmed by Sarah Westwood. Ms. Westwood was elected Bencher for the County of Prince Rupert in a by-election held on June 6, 2014.

## **CONSENT AGENDA**

### **1. Minutes**

#### **a. Minutes**

The minutes of the meeting held on May 10, 2014 were approved as circulated.

The *in camera* minutes of the meeting held on May 10, 2014 were approved as circulated.

#### **b. Resolutions**

The following resolution was passed unanimously and by consent.

- Rule 4-30 – Preliminary Matters

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

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

#### **Preliminary matters**

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

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

## **DISCUSSION/ DECISION**

### **2. Selection of Benchers' Nominee for 2015 Second Vice-President**

Ms. Lindsay declared Herman Van Ommen, QC selected by acclamation as the Benchers' nominee for election at the 2014 Annual General Meeting as the Law Society's Second Vice-President for 2015.

### **3. Approval of National Discipline Standards**

Ms. Armour briefed the Benchers on the Federation's National Discipline Standards Project, and reported on the Law Society's progress in implementing the Standards. She referred to her memorandum at page 52 of the meeting materials for detail, and particularly:

- Attachment 1 (p. 55): NATIONAL DISCIPLINE STANDARDS List of Standards as of January 2014
- Attachment 2 (P. 57): LAW SOCIETY OF BRITISH COLUMBIA Staff Report on Status as at April 30, 2014

Ms. Armour noted that the National Discipline Standards are aspirational, and that while no law society has ever met all the Standards, significant progress has been achieved in a number of jurisdictions, including BC.

Mr. Walker moved (seconded by Mr. Crossin) that that the National Discipline Standards attached as Appendix 1 to these minutes be approved and implemented by the Law Society of BC.

The motion was carried unanimously.

## **GUEST PRESENTATION**

### **4. Canadian Legal Information Institute (CanLII) Update**

Ms. Lindsay invited CanLII President Colin Lachance to address the Benchers. Mr. Lachance provided a briefing on CanLII's history, goals and strategic objectives. Mr. Lachance noted that CanLII's operational funding is, and has always been, exclusively provided by members of Canada's provincial and territorial law societies. He also noted that CanLII forecasts 10 million visits to its website (<https://www.canlii.org/en/>) in 2014, including 450,000 in-bound visits from other websites. Mr. Lachance referred to PowerPoint slides throughout his presentation, which are attached as Appendix 2 to these minutes.

Courthouse Libraries BC (CLBC) CEO Johanne Blenkin confirmed that she is a director of CanLII. Ms. Blenkin advised that CanLII is integral to CLBC's own work in enhancing access to legal information and resources. CLBC will continue to focus on facilitating and training lawyers and the public to use resources such as CanLII.

Mr. McGee expressed appreciation for the valuable contribution made by Mr. Lachance to CanLII's direction and development of strategic partnerships with stakeholders.

## **REPORTS**

### **5. President's Report**

Ms. Lindsay briefed the Benchers on various Law Society matters, including:

#### **a. Special General Meeting Follow-up**

Generally the meeting went well, and reflected effective execution of a good process for managing a public dialogue on a difficult, emotionally charged set of issues. Many Law Society staff members contributed to the success of the meeting and were acknowledged.

At the July 11 Benchers meeting the Executive Committee will present a detailed analysis and recommended plan of action for addressing the results of the April 11 Benchers meeting and the June 10 SGM. Benchers discussion of issues to be addressed in that plan will be invited during the *in camera* portion of today's meeting.

A Benchers questioned whether that matter should be discussed in the public portion of the meeting or *in camera*. The Benchers agreed to defer discussion of the SGM Follow-up matter, including the *in camera* question, to the end of the meeting.

#### **b. Welcoming Ceremonies**

Former Benchers Dirk Sigalet, and Past-President Bruce LeRose, QC and Second Vice-President David Crossin, QC were thanked for their contributions on behalf of the Law Society at recent welcoming ceremonies for judges appointed in the spring of 2014.

#### **c. Call Ceremonies**

The Benchers and Life Benchers who attended two recent call ceremonies in Vancouver were thanked for their support of new Law Society members; and Mr. Fellhauer was acknowledged for stepping in on short notice to represent the Law Society at a call ceremony in Kelowna.

**d. UBC Dean's Advisory Committee Meeting**

An executive search is underway for a new UBC Dean of Law, as Mary Anne Bobinski is completing the final year of her second six-year term as Dean. The search committee is seeking input regarding the future focus UBC Law.

Dean Bobinski's strong leadership and successful tenure were noted, particularly in relation to recruiting quality faculty members and in guiding the long, difficult process culminating in the opening of UBC Law's beautiful new building, Allard Hall, in 2011.

**6. CEO's Report**

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

- Operational Priorities Plan Update
- Implementation of Legal Service Providers Task Force Report Recommendations
- Law Society as Insurer and Regulator Working Group
- Implementation of Lawyer Support and Advice Project
- Support for the Law Firm Regulation Review
- Review and Renewal of Staff Performance Management Process
- New Strategic Plan and Benchers Retreat Follow-Up
- Trinity Western University – Special General Meeting
- PLTC Update

**7. Briefing by the Law Society's Member of the Federation Council**

Gavin Hume, QC briefed the Benchers as the Law Society's member of the FLSC Council. He reported on a number of issues addressed by the Council during its June 2 meeting in Ottawa, including:

- National Mobility Agreement (NMA) Implementation Update

- The Barreau du Québec is awaiting approval of the NMA by l'Office des professions du Québec, provincial regulator of the legal profession in Québec
- Several provincial law societies have already approved the NMA
- Nearing completion are reading materials highlighting differences between the common law and Quebec's civil code
- National Admission Standards (NAS) Implementation Update
  - A steering committee (including Law Society of BC CEO Tim McGee, QC) is working toward implementation of national competency standards already approved by the Federation's member societies
  - Another NAS project is development of a national standard of good character
    - A consultation paper was circulated to the member societies for comment, and a further paper is being prepared as a result of that consultation for the member law societies' consideration
    - The goal is to finalize the good character standard by late 2014 or early 2015
- Standing Committee on Access to Legal Services
  - A steering committee is reviewing the mandate and priorities of this important body
- National Discipline Standards Update
  - Law Society Chief Legal Officer Deb Armour reported on national discipline standards and 2013 results achieved by the member societies
- Canadian Legal Information Institute (CanLII):
  - Johanne Blenkin, CEO of Courthouse Libraries BC, was re-appointed as a member of CanLII's board of directors
- National Committee on Accreditation (NCA) Update
  - Bond University's special status is being discontinued
  - Going forward, graduates of Bond University will be subject to the same NCA criteria as graduates from all other foreign law schools

- Intervention in *Minister of National Defence v. Thompson*
  - Council approved intervention in this appeal to the Supreme Court of Canada, because the case raises issues of solicitor – client privilege important to the Federation and the member law societies
- Federation of Law Societies Governance Review
  - Outside consultants have been engaged to review and provide recommendations regarding the Federation’s governance regime and processes
  - The review will include considering the scope and focus of the Federation’s work, including development and implementation of national standards, and succession planning for the Federation President
- Strategic Plan
  - There was a preliminary strategic planning discussion
  - The Federation’s Strategic Plan will be a topic on the agenda for the Council’s fall meeting

The Federation’s Standing Committee on the Model Code of Professional Conduct, chaired by Mr. Hume, met on June 3. Input was reviewed on a number of topics for which Code amendments are being considered, including:

- Current client conflicts rules, gifts from clients, testamentary gifts and physical evidence of crime

## **8. 2012-2014 Strategic Plan Implementation Update**

This matter was addressed in the CEO’s Report.

## **9. Report on the Outstanding Hearing & Review Reports**

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



## 10. Business Arising

### a. SGM Next Steps Discussion (public or *in camera*)

Mr. Arvay questioned whether discussion of the Law Society's response to the SGM should be held *in camera*. He noted that on June 12 a notice of motion was delivered to the President on behalf of several Benchers: confirming that at the July 11 meeting a motion will be presented: calling for implementation of the members' resolution passed at the Special General Meeting.<sup>1</sup>

Mr. Arvay requested a debate on the question of whether the Benchers' discussion of this matter should be held in public or *in camera*.

Mr. Meisner moved (seconded by Mr. Riddell) that the Benchers' discussion of the results and implications of the June 10 Special General Meeting be conducted *in camera*.

Ms. Lindsay noted that the intended purpose of the proposed *in camera* discussion was not to make secret decisions, but rather to facilitate the Benchers' free exchange of views on complex, sensitive issues in the course of developing a plan of action which would then be confirmed in the public session of the next meeting.

Mr. Hoskins directed the Benchers' attention to Part 3, Section J (Benchers Meetings) of the Benchers' Governance Policies, including:

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<sup>1</sup> At the Law Society Special General Meeting held on June 10, 2014, the following members' resolution was passed (3,210 in favour and 968 against):

#### WHEREAS:

- Section 28 of the *Legal Profession Act* permits the Benchers to take steps to promote and improve the standard of practice by lawyers, including by the establishment, maintenance and support of a system of legal education;
- Trinity Western University requires students and faculty to enter into a covenant that prohibits "sexual intimacy that violates the sacredness of marriage between a man and a woman";
- The Barristers' and Solicitors' Oath requires Barristers and Solicitors to uphold the rights and freedoms of all persons according to the laws of Canada and of British Columbia;
- There is no compelling evidence that the approval of a law school premised on principles of discrimination and intolerance will serve to promote and improve the standard of practice of lawyers as required by section 28 of the *Legal Profession Act*; and
- The approval of Trinity Western University, while it maintains and promotes the discriminatory policy reflected in the covenant, would not serve to promote and improve the standard of practice by lawyers;

#### THEREFORE:

The Benchers are directed to declare, pursuant to Law Society Rule 2-27(4.1), that Trinity Western University is not an approved faculty of law.

Paragraph 1(c) The President may declare a meeting *in camera* when, in the discretion of the President it is necessary or desirable, but the Benchers may, by resolution, cause the meeting to be open despite the President's ruling.

The President may declare a meeting in camera when, in the discretion of the President it is necessary or desirable, but the Benchers may, by resolution, cause the meeting to be open despite the President's ruling.

In the ensuing discussion the following points were raised:

- Fairness requires timely, transparent action, and as the Law Society members are now part of the TWU discussion, as much as possible the Benchers should conduct their deliberations on the matter of TWU's accreditation promptly and in public
- Careful consideration of this matter's complex and unusual process questions may raise sensitive issues and topics that are or should be subject to privilege, and accordingly the discussion should be held *in camera*
- The best way to develop a transparent, fair process for the Law Society's conduct of this matter is through a full, thorough Bencher discussion, which would be best achieved *in camera*
- Consensus on the process and timing for the Benchers' consideration of the members' resolution passed at the SGM is desirable and most likely to be achieved in an *in camera* discussion

The motion was carried.

The Benchers considered other matters *in camera*.

WKM  
2014-06-30



# Memo

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

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## Action Required

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

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

## Background

2. The Federation of Law Societies of Canada established a National Discipline Standards Project in May of 2010 with a Steering Committee Chaired by Allan Fineblit, CEO of the Law Society of Manitoba, and comprised of a number of other CEOs and Discipline Administrators, a Federation Council member (Jeff Hirsch) and the Ombudsman of Saskatchewan, Kevin Fenwick. I was one of the Discipline Administrators on the Steering Committee.
3. The National Discipline Standards initiative was part of the following Federation strategic objective for 2010 – 2012:

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

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

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

## **Report on LSBC Progress**

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

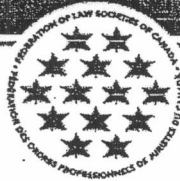
that we have made to our processes including not waiting for agreement on facts with the respondent before setting hearing dates. As well, we have filled a vacancy in the discipline group that was open for most of 2013, which will result in further improvements.

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

## **Recommendation**

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

*Federation of Law Societies  
of Canada*



*Fédération des ordres professionnels  
de juristes du Canada*

## **NATIONAL DISCIPLINE STANDARDS PILOT PROJECT**

### **List of Standards as of January 2014**

#### **Timeliness**

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

#### **Hearings**

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

## NATIONAL DISCIPLINE STANDARDS PILOT PROJECT

### List of Standards

December 2013

#### Public Participation

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

#### Transparency

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

#### Accessibility

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

#### Qualification and Training of Adjudicators

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

## Attachment 2

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

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

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



## Attachment 2

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

## Attachment 2

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

# CanLII

The Law Society  
*of British Columbia*



June 13, 2014  
Colin Lachance



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

# \$35

CanLII

*other ways a*

*lawyer can spend \$35 ...*

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

2013  
5013

a pair of



tab collars

pizza for  
articling  
students



30 minutes of  
court  
reporter  
services



taxi  
ride  
to  
court



2-3

searches  
on  
pay legal  
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services



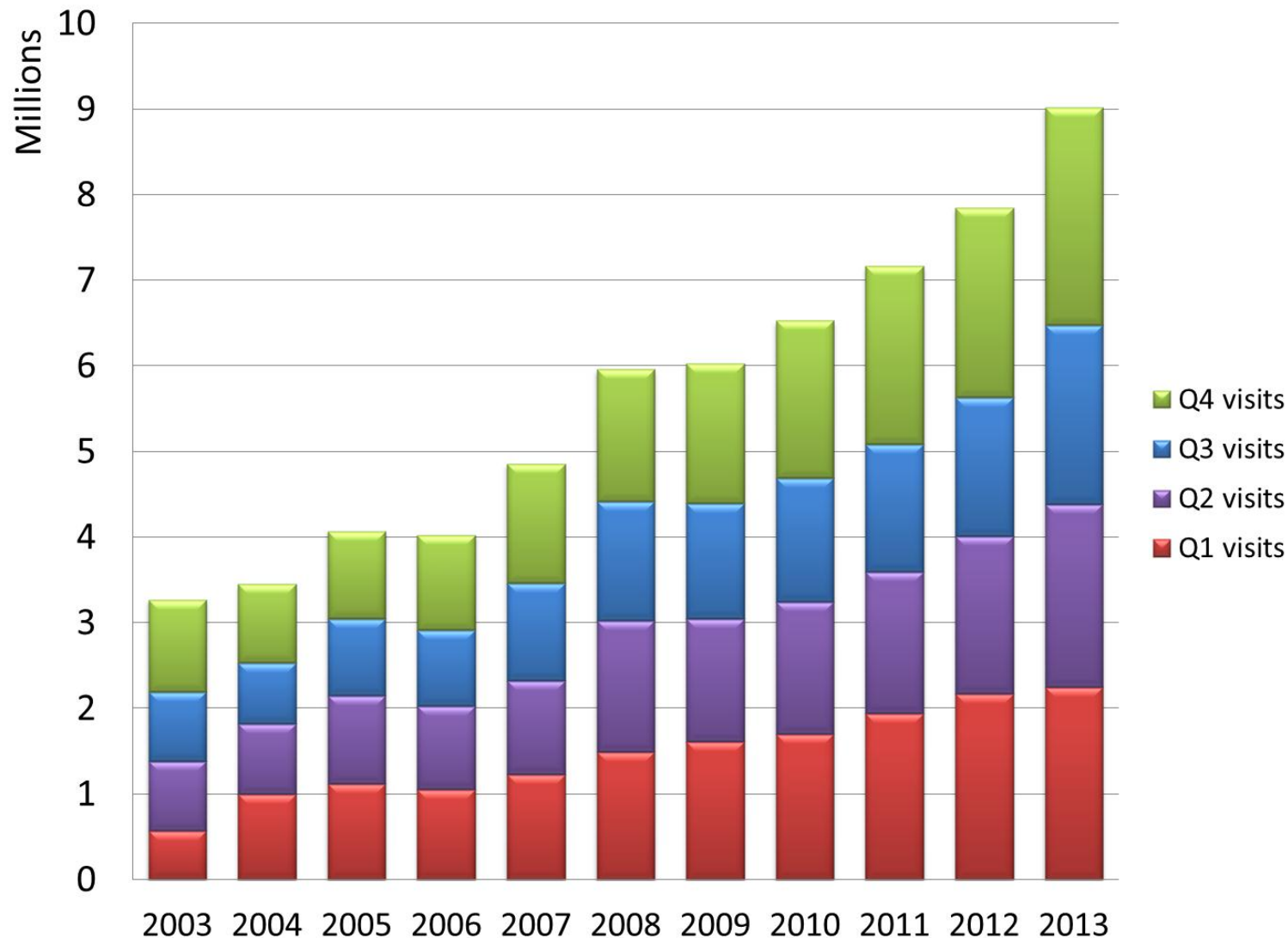
Notional per search rate. See, e.g.,  
[http://www.lexisnexis.ca/  
documents/  
QLPriceList\\_CAN\\_EN.pdf](http://www.lexisnexis.ca/documents/QLPriceList_CAN_EN.pdf)

## Well stocked and well used



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

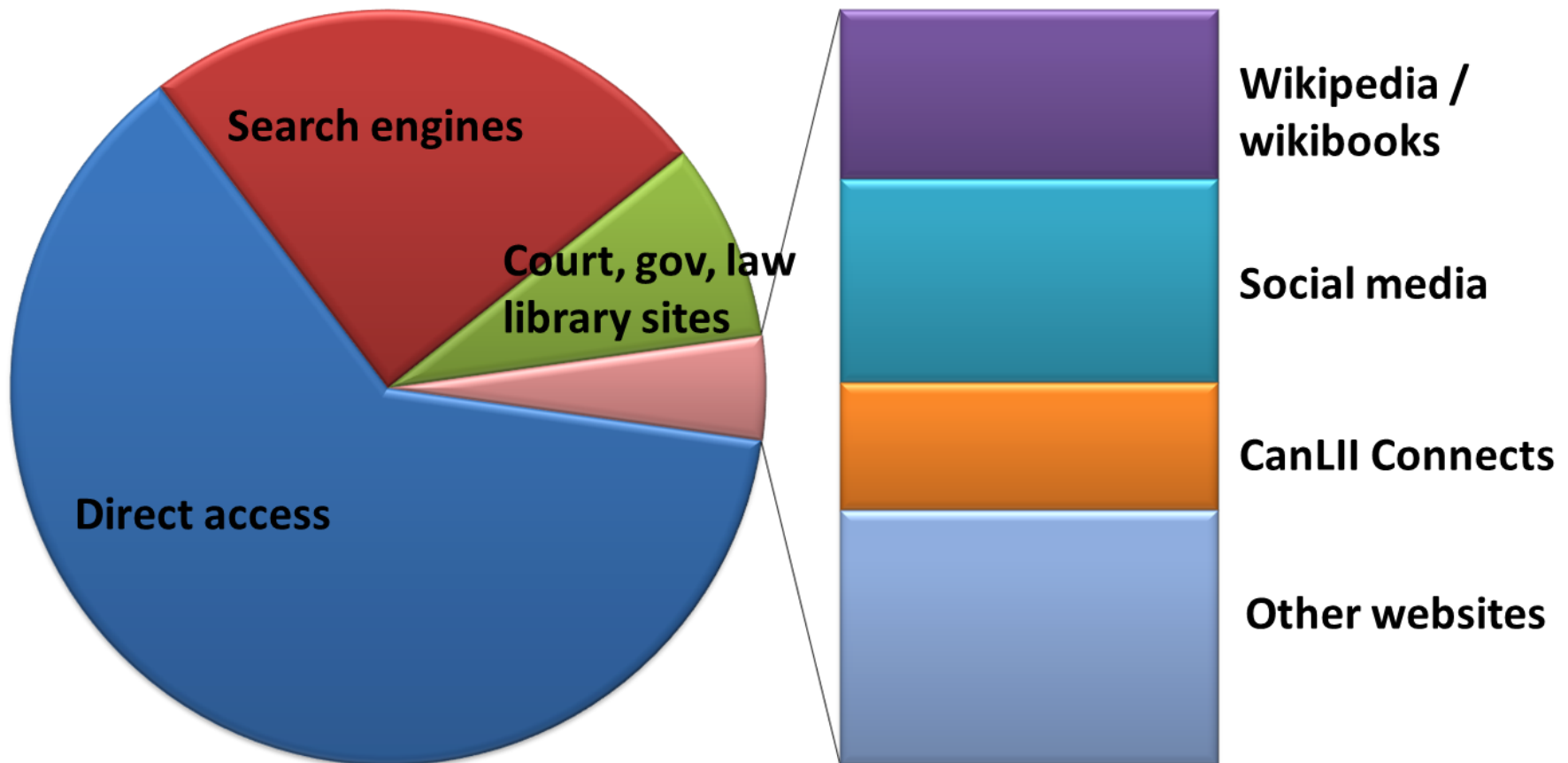
widespread and growing use among the public and among the legal profession



## 2014 forecast of CanLII site visits

10 million site visits

In-bound visits from other  
websites ~450,000





# How a user reaches CanLII will influence behaviours on CanLII



Intentional visit

Unplanned visit



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

# CanLII chronology



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

# Board of Directors



## Chair

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

## vice-Chair

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

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

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

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

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

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

## Mission:

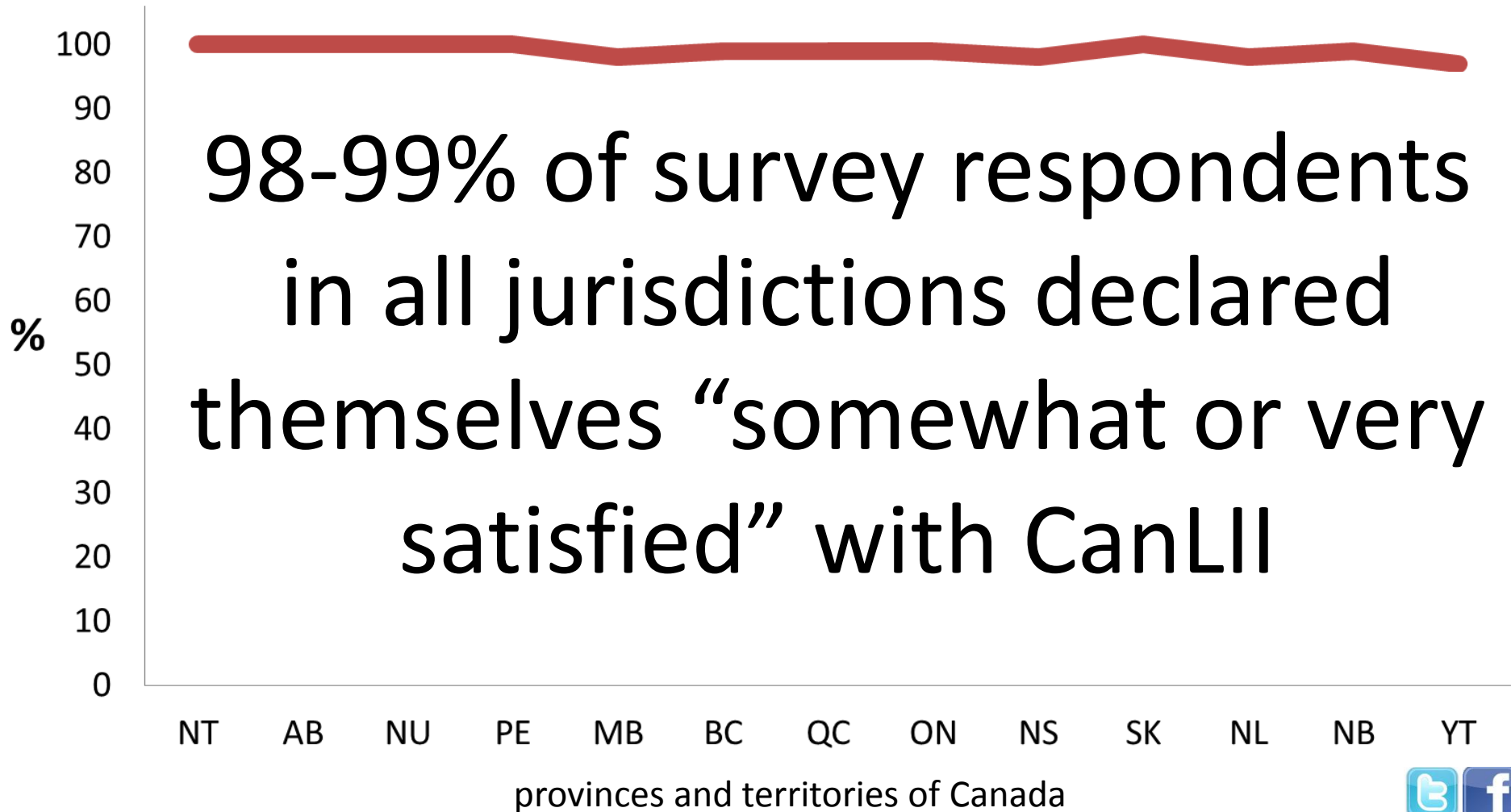
Free access to law

## Goals:

Meet public interest in free and unrestricted access to legal information

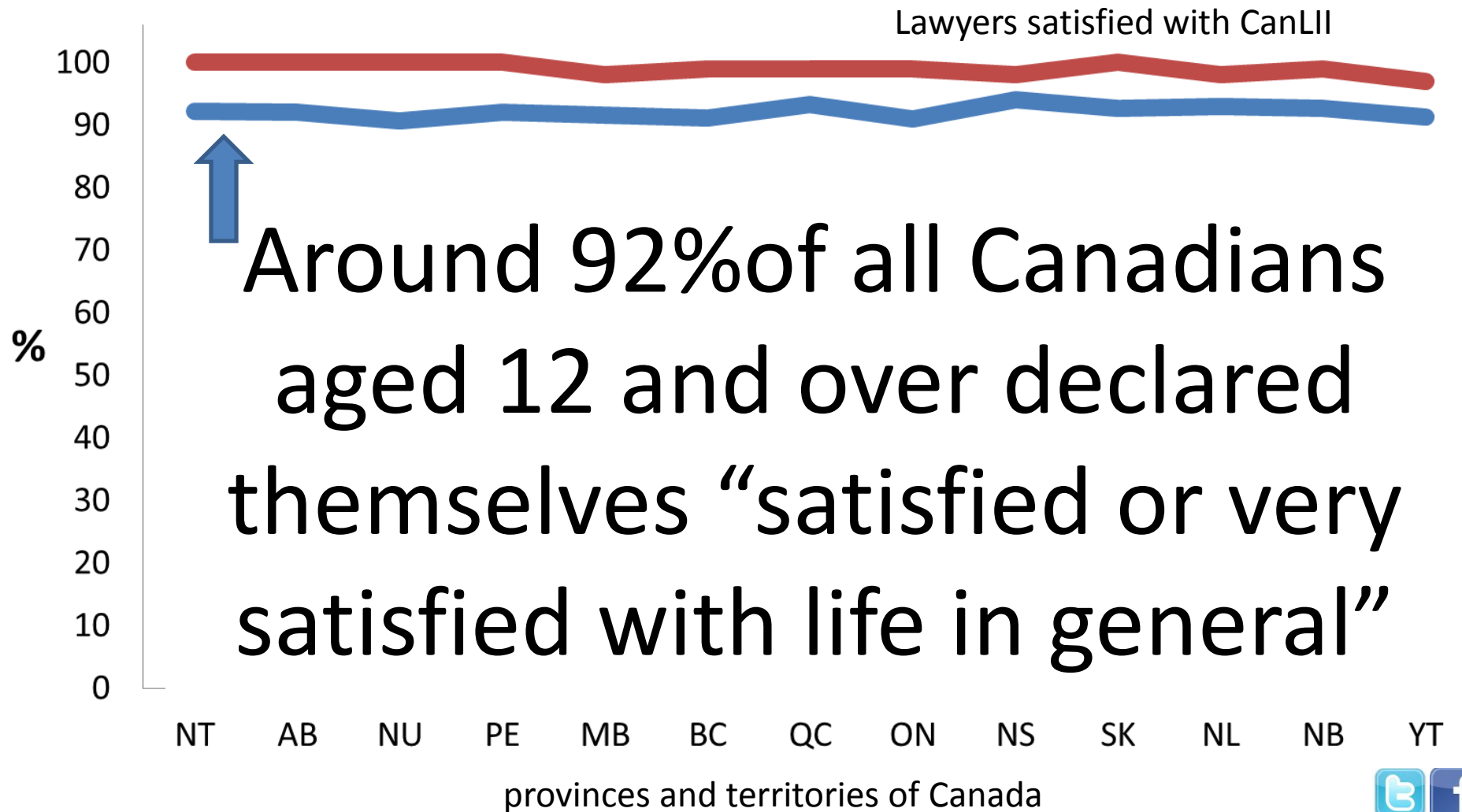
Satisfy legal community needs with a free, comprehensive and robust legal research service

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



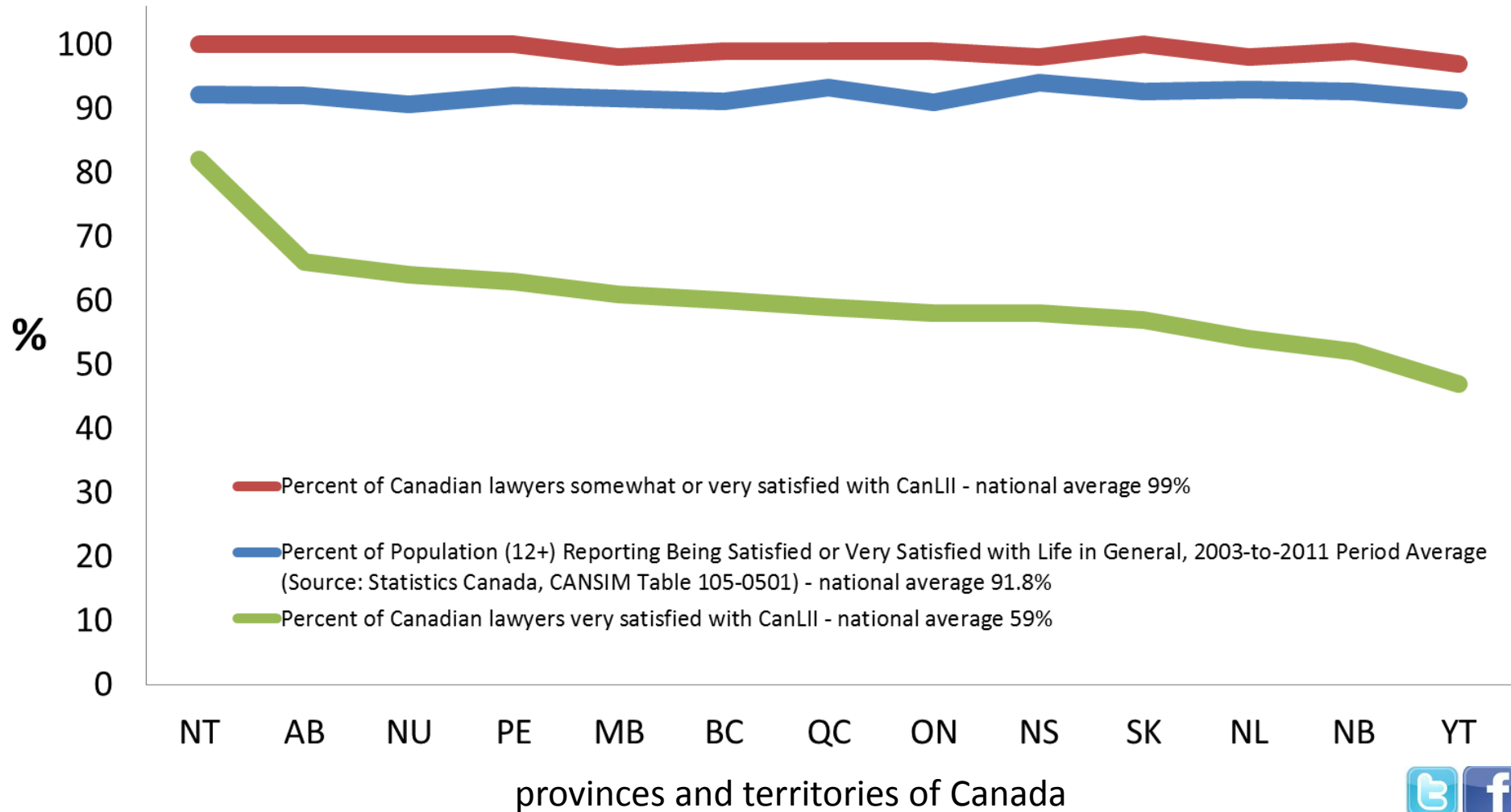
Does lawyer satisfaction with CanLII make  
for a happy and satisfied country?

Or are Canadians just easy to please?



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

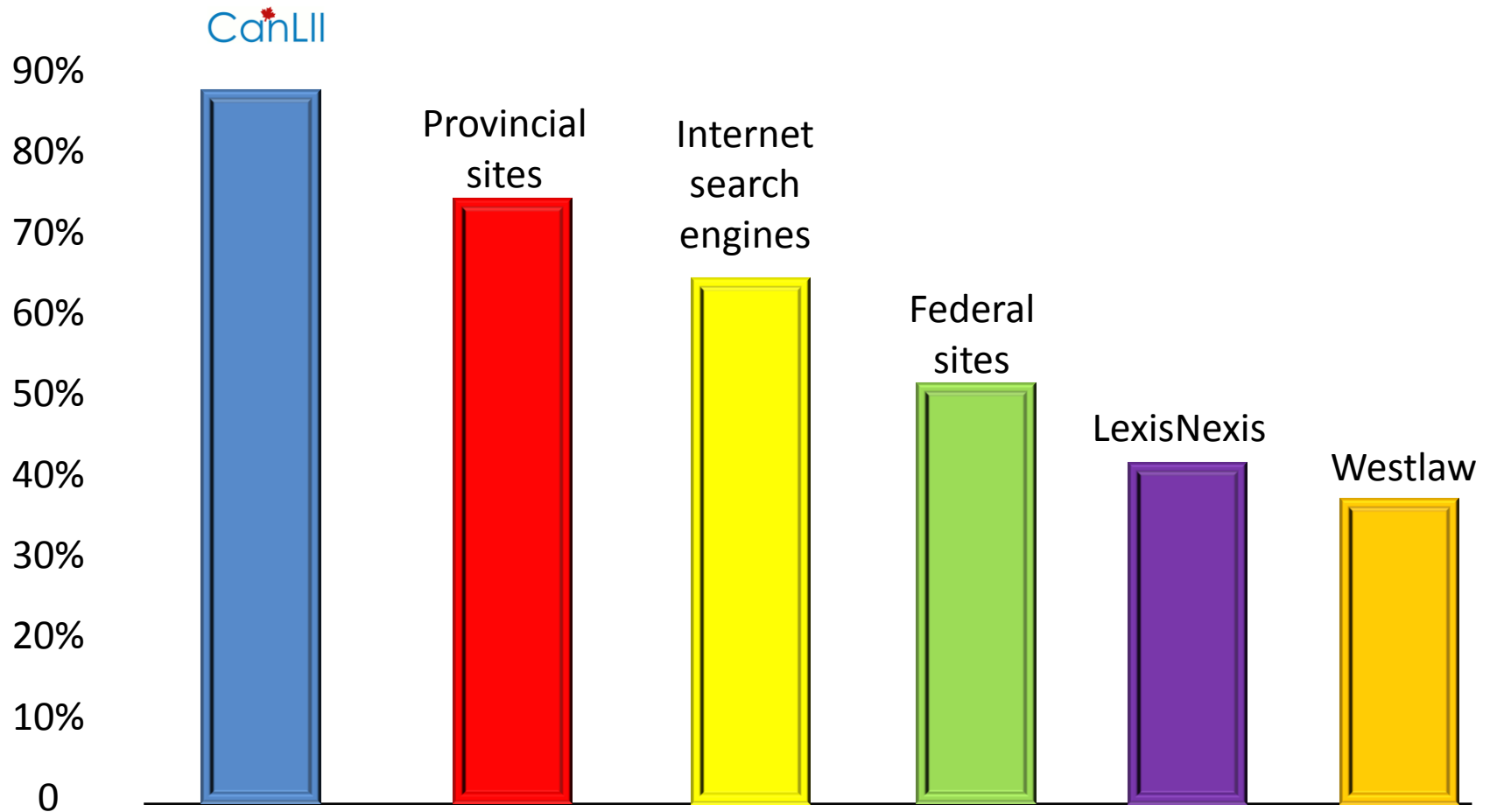
Or are Canadians just easy to please?





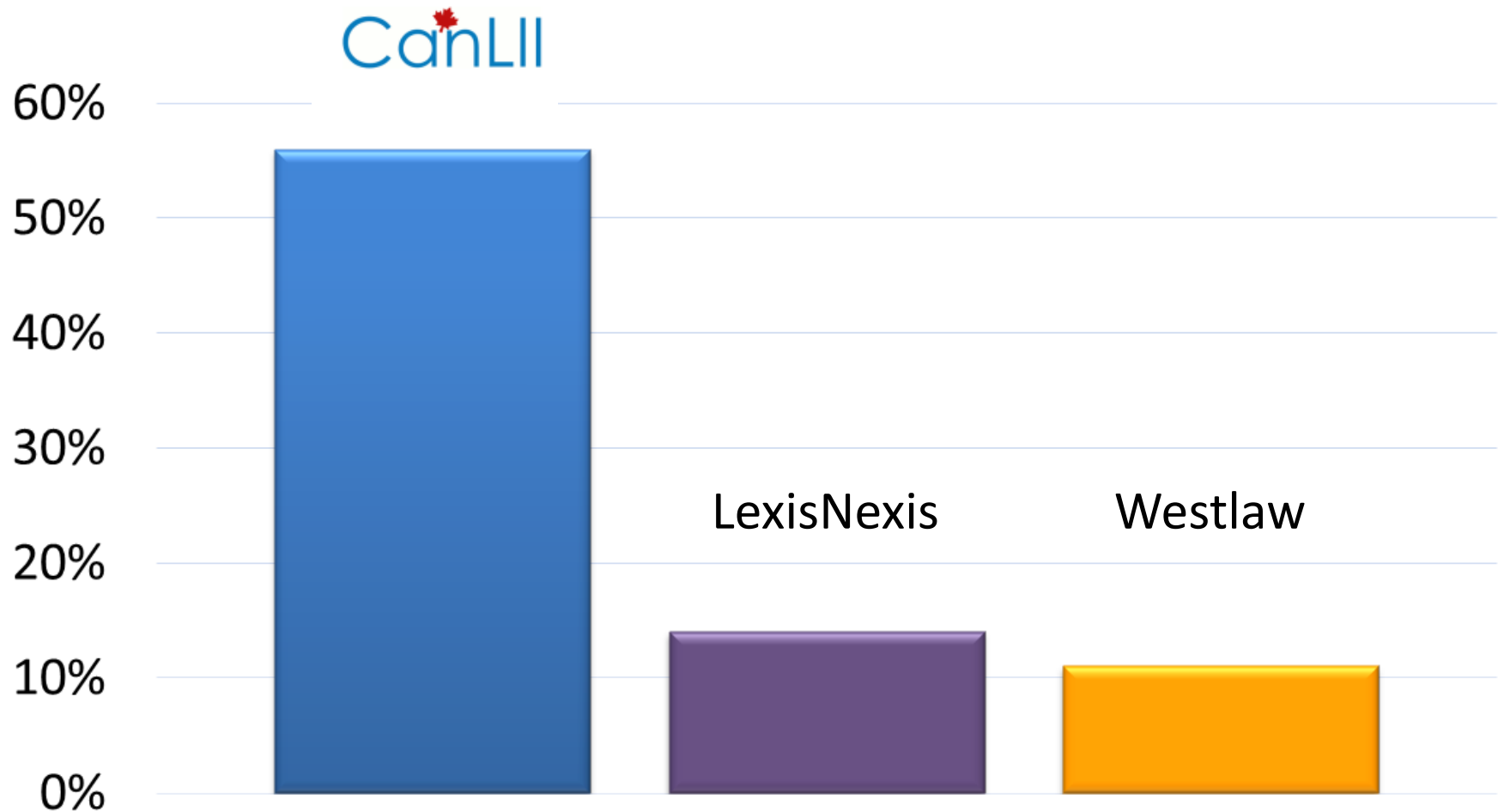
# 2012 Poll of Canadian lawyers: on which online sites have you conducted legal research in the past 12 months?

n=4292



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

n=4292



## From survey: Top 3 areas for improvement



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

## Top 3 initiatives to address lawyer interests within current plan



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

# New search (Launched September 2013)



CanLII Home > Search CanLII Français | English

+ certify /p "bargaining unit" x ? Q

All CanLII (187) **Cases (181)** Legislation (5) Commentary (1)

Nova Scotia ▾ All courts and tribunals ▾ Any date ▾ Clear filters By Relevance ▾ in

1. CanLII 181  
Nova Scotia 77  
bargaining 55  
[...] 104  
Un 102  
Ba 0  
cer 0  
uni 0

2. CanLII 181  
Nova Scotia 77  
2011 NSLB 81 (CanLII) – 2011-05-25 55  
Nova Scotia 104  
time bar 102  
[...] 0  
certify 0  
[...] 0

3. CanLII 181  
Nova Scotia 77  
2012 NSLB 125 (CanLII) – 2012-04-20 55  
[...] 104  
Community Builders Inc (Cole Harbour Place), 102  
presented — bargaining 0  
employees ("the Union") applied for an order 0  
se known as Training Centre Instructors) 0  
Community Builders Inc (Cole Harbour Place), 0

✓ All courts and tribunals 181  
All courts 77  
Appeal courts 55  
All tribunals 104  
Labour 102  
Privacy 0  
Human rights 0  
Discipline 0  
Securities 0

x Nova Scotia Court of Appeal (NS) labour OK

**Nova Scotia**  
Labour Arbitration Awards 2  
**Nova Scotia Labour Board 94**  
Nova Scotia Labour Relations Board 7  
Nova Scotia Labour Standards Tribunal 1  
Nova Scotia Workers' Compensation 0  
Appeals Tribunal 0

# Pursuing comprehensive court collections



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

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

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



— 117 —

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

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

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



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

(April 2014)



COURT OF QUEEN'S BENCH

Apr 4,  
2014

## Meads v. Meads, 2012 ABQB 571 (CanLII)

Share on:  
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[Email](#)  
[Print](#)

[See full case on CanLII](#)



See  
related  
content  
▼

### 1 COMMENTARY

[Add your own commentary](#)



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



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

1 | CONCUR



**Colin Lachance** commented  
4 days ago

Amazing to see the influence of

### 1 SUMMARY

[Add your own summary](#)



by **JSS Barristers**  
Mar 19, 2014



**Summary of Meads  
v. Meads**

1 | CONCUR

[Read the full Summary](#)

### FILTER BY:

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[All publishers -](#)

[Default sort -](#)





# Building a community of contributors



Please fill out your profile to create your account:



Drag & drop  
your photo  
above, or:

Choose file

Full name

jdoe@example.com

Password

Confirm password

Bio – a few words about yourself

Add links to other networks & sites to your profile:

Choose an account ▼

☒ Make my profile public

CONNECT OTHER ACCOUNTS  
TO LOG IN WITH:



CONNECT WITH LINKEDIN



CONNECT WITH FACEBOOK



CONNECT WITH TWITTER



CONNECT WITH GOOGLE

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



Find your Publisher ▼

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



By supplying  
content like  
this:

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

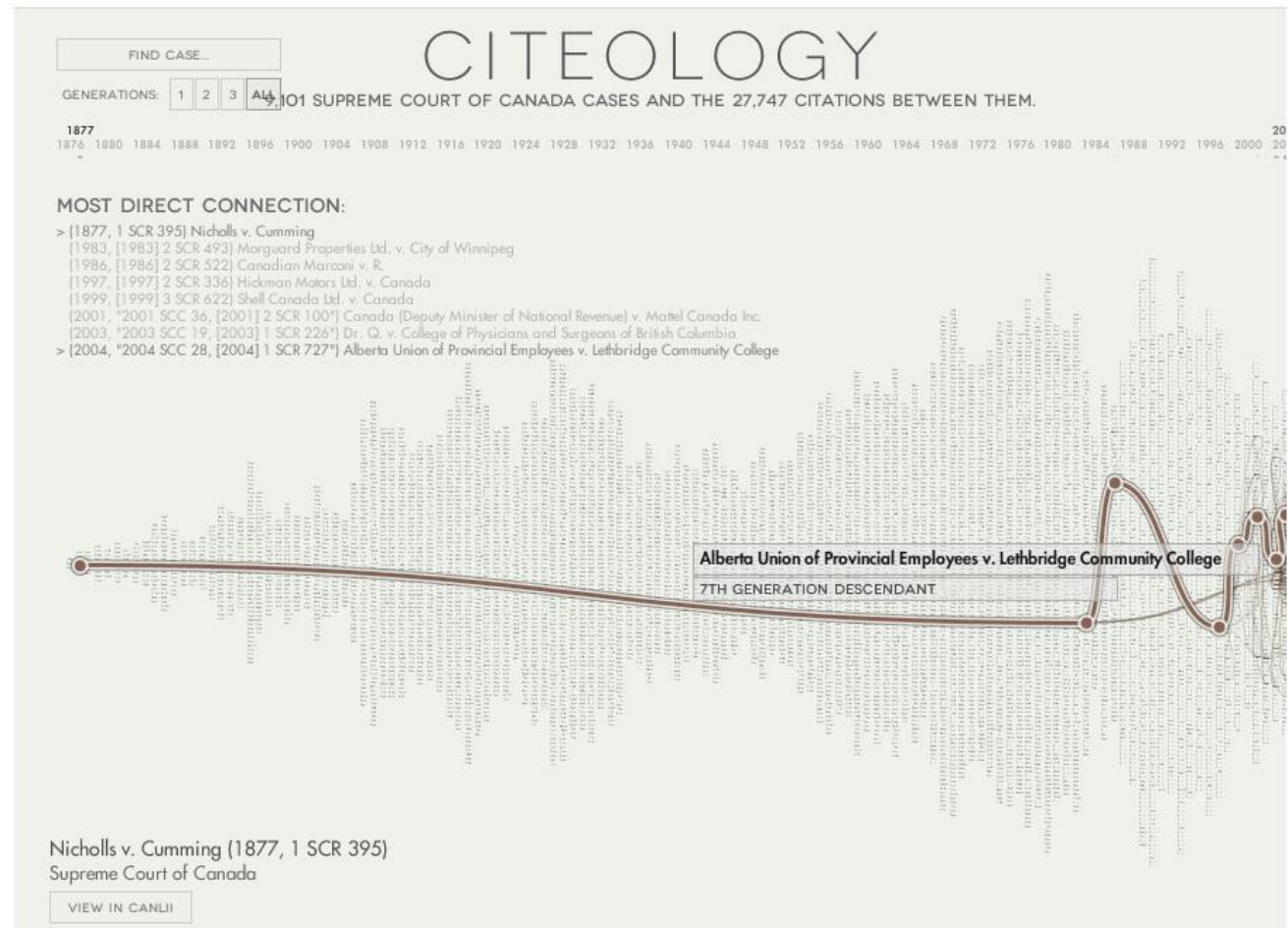
```
{  
  "databaseId": "abwcac",  
  "caseId": "2013canlii8673",  
  "url": "http://canlii.ca/t/fw90n",  
  "title": "Decision No: 2013-0155",  
  "citation": "2013 CanLII 8673 (AB WCAC)",  
  "language": "en",  
  "docketNumber": "2013-0155; AC0695-12-53",  
  "decisionDate": "2013-02-26"  
}
```



# Building a community of innovators



Anyone can  
build  
something  
like this:



CanLII

Building a community of innovators



Or this:

# CommonCases

---

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

## Built with THE CANLII API

More CanLII Tools:

Browser Plugins

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

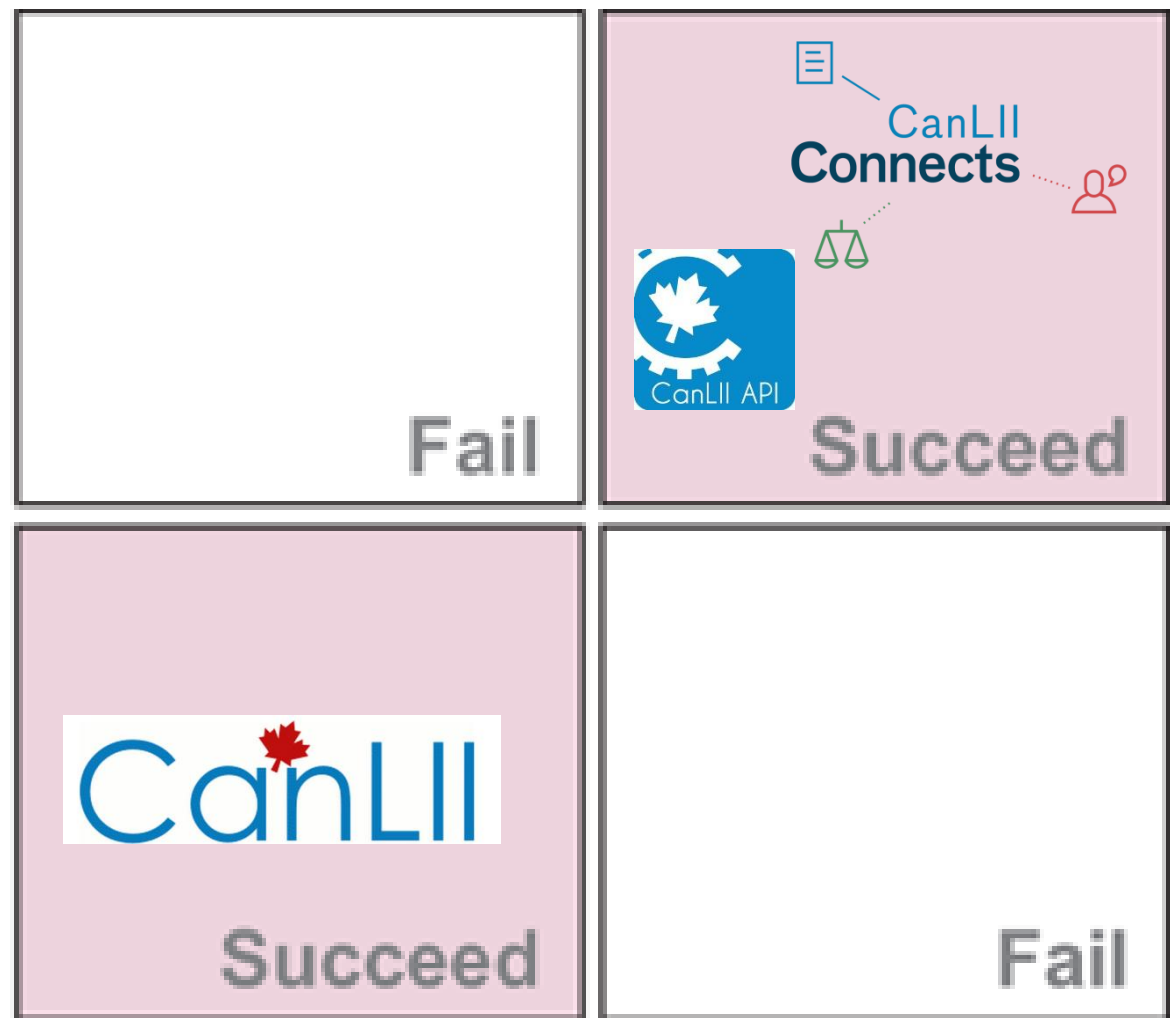
Auto Link a Document

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

**Entrant**

**Market  
status**

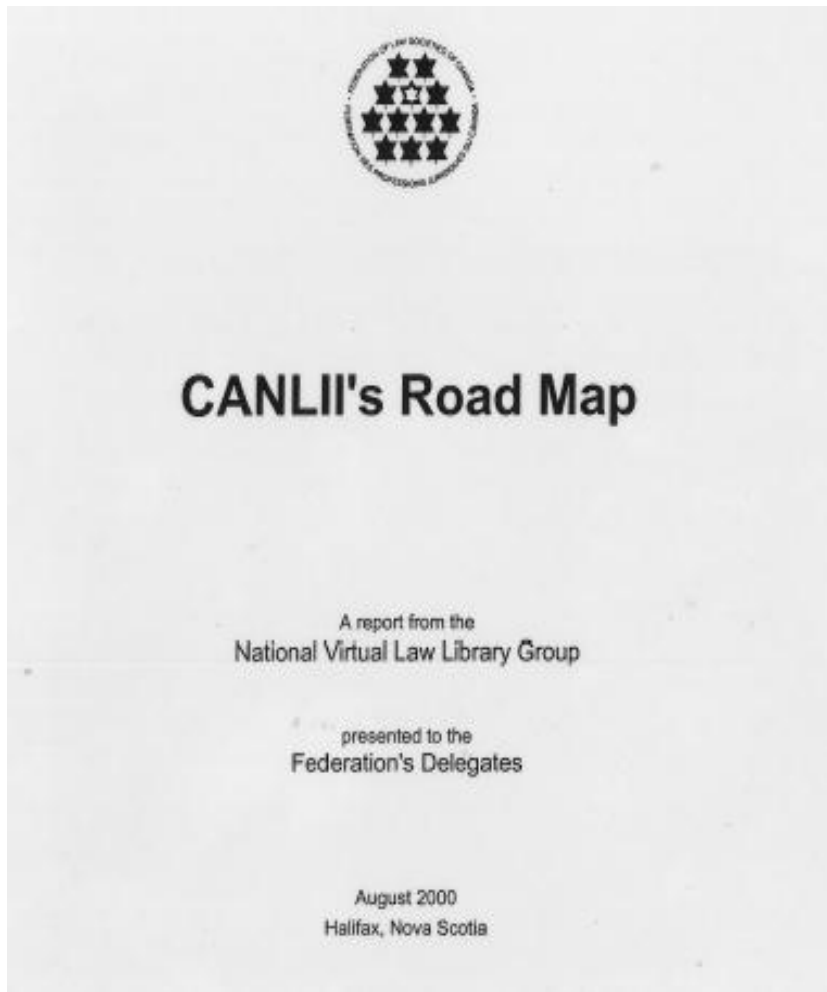
**Incumbent**



**Sustaining**

**Disruptive**

**Innovation strategy**



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

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

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





THANK YOU

Click below to find and follow



# bonus material: fun facts

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



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

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

Strong alignment across law society executives on the following points:

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

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

Top areas for improvement are:

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

# legal research trends



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

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

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

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

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



All B.C. n=667  
Outside  
Vancouver  
and  
Victoria  
n=186

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

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

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

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

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

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



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

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June 13, 2014

Prepared for: Benchers

Prepared by: Timothy E. McGee

## Introduction

My report this month sets out progress to date on the 2014 Operational Priorities plan and updates on two specific matters of interest.

## Operational Priorities Plan Update

At the start of each year I outline for the Benchers five specific areas which management has identified as requiring special focus and attention by staff in the year. This is known as the Operational Priorities plan. Typically these areas include both support for the most pressing priorities in the Strategic Plan as well as areas of greatest operational need in the year. I am always careful to point out that the annual Operational Priorities plan is in addition to and does not detract from the day to day operations of our core regulatory functions which, by definition, are always a priority.

### ***Implementation of Legal Service Providers Task Force Report Recommendations***

The Legal Services Regulatory Framework Task Force chaired by Art Vertlieb QC has now been formed. At its initial meeting on May 2, the Task Force settled on a work plan for the year including initial areas of focus and timelines. This task force is unique among those established by the Law Society in recent history because it includes among its members (in addition to Benchers) senior representatives of each of the CBABC branch, the Society of Notaries Public of BC, the BC Paralegal Association and the policy branch of the Ministry of Justice of British Columbia. The diversity and seniority of the non-Bencher membership reflects the significant scope of work of the Task Force and the importance of its public interest mandate.

The Task Force is beginning its work by examining regulatory frameworks for non-lawyers in Ontario and Washington State, as well as how the regulation of multi service providers is accomplished in the health professions in BC. The Task Force will then examine the unmet needs for legal services in BC, and begin to develop the case for legislative amendments to permit the Law Society to regulate legal service providers other than lawyers. The next meeting of the Task Force is on June 16 and the current plan calls for an interim report on progress to the Benchers by next summer. Leading the staff support for this important project are Michael Lucas, Manager, Policy and Legal Service and Doug Munro, Policy Counsel.

In a related but separate development, we are pursuing with the Society of Notaries Public of BC the possibility of the merger of our respective regulatory operations. This work is very much in the exploratory stage. Senior representatives of the Notaries have recently indicated that they are now ready to discuss with the Law Society the development of a non-binding memorandum of understanding to facilitate this review. We will be reviewing the options and parameters for this with the Executive Committee in the weeks ahead.

### ***Law Society as Insurer and Regulator Working Group***

The work of this group flows from the recommendations of the April 2013 report of the Rule of Law and Lawyer Independence Advisory Committee entitled “*Report of the Rule of Law and Lawyer Independence Advisory Committee on its Examination of the Relationship Between the Law Society as Regulator of Lawyers and as Insurer of Lawyers*” which was adopted by the Benchers in September 2013. The working group chaired by First Vice President Ken Walker, QC has met three times this year and has discussed in detail the options presented to it in the Report for analysis. It has debated, in particular, operational steps that could be taken to more transparently separate or distinguish the regulatory functions from the insurance functions of the Law Society. A report based on progress and areas of consensus reached to date is being drafted for further discussion at the next meeting of the working group on June 24. Leading the staff support for this project are Su Forbes, QC, Director of Insurance, Deb Armour, Chief Legal Officer and Jeanette McPhee, Chief Financial Officer and Director, Trust Regulation, together with Michael Lucas, Manager, Policy & Legal Services.

### ***Implementation of Lawyer Support and Advice Project***

The Lawyer Support and Advice Project is a staff driven initiative started in October 2012 to fully examine and assess ways in which the Law Society can better support and advise lawyers in all areas relating to regulatory compliance including, in particular, the practice advice area. This work included the completion of a needs and preferences survey of lawyers throughout the province in 2013 and ultimately the preparation of a report, including recommendations, submitted to me in July 2013. This formed the basis for a plan of implementation including financial support being approved by the Benchers as part of the budget and fees approval process for 2014. We have been waiting to hire Robyn Crisanti's replacement to be the staff lead for the implementation phase of this project.



I'm pleased to advise that we have now hired Taylore Ashlie as our Director, Communications and Knowledge Management. Taylore will be managing the staff and functions of the Communications department as well as the development and implementation of the recommendations from the Lawyer Support and Advice Project. She will be forming the Lawyer Support and Advice Project Implementation Working Group this month so that work can commence in July.

Taylore brings 12 years of experience as Director, Communications with the Certified General Accountants Association of Canada, where she oversaw all the communications requirements of that organization, including the development of websites, digital, online, written and print-based communications. Most recently, Taylore worked at Telus as a senior communications manager.

### ***Support for the Law Firm Regulation Review***

As part of the package of amendments to the *Legal Profession Act*, which were adopted in 2012, the Law Society obtained the statutory authority to regulate entities in addition to individual lawyers. This authority is widely regarded by law regulators across Canada and indeed around the world as an important tool in being a more efficient and effective regulator in the public interest.

Under the direction of the Executive Committee staff have undertaken significant preparatory work over the past year in anticipation of the creation of a Benchers task force or working group in 2014 to formally pursue this area. To date this preparatory work has focused on compiling and examining models of law firm or entity regulation from other jurisdictions and collecting data and statistics regarding the demographics of individual and firm practice here in BC. A background paper is being prepared that pulls this information together and which can be used when the Benchers group assigned to examine this topic commences its work. Deb Armour and Michael Lucas have been leading the staff support on this project to date.

### ***Review and Renewal of Staff Performance Management Process***

We have made it a priority to complete a thorough review of all aspects of our staff performance management process in 2014 and to have recommendations for consideration by the Leadership Council this Fall. Leading this staff-driven project is Donna Embree our Manager, Human Resources, together with a working group of staff and managers drawn from all levels and areas of the organization. The working group is well into its review of our performance management process and is on track to report out on schedule.

The base premise and rationale for this work is that we believe having a system for staff performance evaluation which is constructive, relevant, interactive and timely is critical to a thriving and engaged workplace. Our current system has served us well since it was implemented approximately six years ago. But since then and over that time our demographics have changed, our way of working has changed, our reliance on technology has changed and our organizational structures have changed, to name a few key items. As a result, the time is right to take a fresh look at how we do things in this area and ensure we are well positioned to continue to have thriving staff in the years ahead.

## **New Strategic Plan and Benchers Retreat Follow-Up**

As you know, our current three year Strategic Plan (2012 – 2014) will be complete at the end of this year. The Benchers will soon be tasked with formulating a new three year strategic plan to guide the Law Society over the 2015 - 2017 period. In the lead up to this work, the Benchers will receive the reports of our four standing Advisory Committees and input from the Executive Committee, which will be overseeing the planning for the Benchers review and approval process. The results from the recent Benchers retreat on prioritizing options for enhancing access to legal services in BC provides a valuable head start on at least one area which will no doubt be part of the new strategic plan review.

## **Trinity Western University – Special General Meeting**

At the time of writing we had completed all the necessary planning for the Special General Meeting of Members on June 10. This has been a major undertaking on all fronts including logistical, administrative, governance, media and public relations and financial. We are very grateful for the more than 70 staff, lead by Adam Whitcombe, Bill McIntosh, and Jeff Hoskins, QC, who will support the meeting around the province. We are also grateful to the many Benchers who will be acting as Chairs and Co-Chairs of regional meetings and generally helping to ensure that the meeting runs as smoothly as possible. Our President Jan Lindsay, QC deserves special mention for dedicating countless hours in the past months to preparing for the meeting and to the Executive Committee who have met on several extra occasions to ensure we have proper direction and oversight.

## **PLTC Update**

On May 20 a new PLTC session began in Vancouver (136 students), Victoria (59 students) and, for the first time, in Kamloops at Thompson Rivers University (24 students).

I would like thank the Benchers and Life Benchers who taught Professional Responsibility to PLTC students on May 23:

Rita Andreone, QC, Life Bencher (Vancouver)  
Pinder Cheema, QC (Victoria)  
Anna Fung, QC, Life Bencher (Vancouver)  
Terry LaLiberte, QC, Life Bencher (Vancouver)  
Dean Lawton (Victoria)  
Bruce LeRose, QC, Life Bencher (Vancouver)  
Jamie Maclaren (Vancouver)  
Nancy Merrill (Victoria)  
Gordon Turriff, QC Life Bencher (Vancouver)  
Ken Walker, QC (Kamloops)

Timothy E. McGee  
Chief Executive Officer