



# Minutes

## Benchers

Date: Friday, September 25, 2015

Present: Ken Walker, QC, President  
David Crossin, QC, 1<sup>st</sup> Vice-President  
Herman Van Ommen, QC, 2<sup>nd</sup> Vice-President  
Satwinder Bains  
Edmund Caissie  
Pinder Cheema, QC  
David Corey  
Jeevyn Dhaliwal  
Lynal Doerksen  
Thomas Fellhauer  
Craig Ferris, QC  
Martin Finch, QC  
Miriam Kresivo, QC  
Dean Lawton

Peter Lloyd, FCA  
Jamie Maclaren  
Sharon Matthews, QC  
Nancy Merrill  
Maria Morellato, QC  
David Mossop, QC  
Lee Ongman  
Greg Petrisor  
Claude Richmond  
Phil Riddell  
Elizabeth Rowbotham  
Sarah Westwood  
Tony Wilson

Excused: Haydn Acheson  
Joseph Arvay, QC  
Cameron Ward

Staff Present: Tim McGee, QC  
Deborah Armour  
Taylore Ashlie  
Renee Collins Goult  
Lance Cooke  
Su Forbes, QC  
Andrea Hilland  
Jeffrey Hoskins, QC

David Jordan  
Michael Lucas  
Jeanette McPhee  
Doug Munro  
Tim Travis  
Alan Treleaven  
Adam Whitcombe

Guests:	Hon. Suzanne Anton, QC	Minister of Justice and Attorney General
	Dom Bautista	Executive Director, Law Courts Center
	Mark Benton, QC	Executive Director, Legal Services Society
	Johanne Blenkin	CEO, Courthouse Libraries BC
	Kari Boyle	Director of Strategic Initiatives, Mediate BC Society
	Anne Chopra	Equity Ombudsperson, Law Society of BC
	Jennifer Chow	President, Canadian Bar Association, BC Branch
	Tom Christensen	Outgoing Chair, Legal Services Society
	Dr. Catherine Dauvergne	Dean of Law, University of British Columbia
	Ron Friesen	CEO, Continuing Legal Education Society of BC
	Richard Fyfe, QC	Deputy Attorney General of BC, Ministry of Justice, representing the Attorney General
	Gavin Hume, QC	Law Society of BC Member, Council of the Federation of Law Societies of Canada
	Jeff Locke	Law Society Member, Fulton & Company LLP
	Linda Michaluk	Law Society Tribunal Task Force Member
	Yves Moisan	President and Treasurer, BC Paralegal Association
	Prof. Bradford Morse	Dean of Law, Thompson Rivers University
	Suzette Narbonne	Incoming Chair, Legal Services Society
	Caroline Nevin	Executive Director, Canadian Bar Association, BC Branch
	Akash Sablok	President, The Society of Notaries Public of BC
	Monique Steensma	CEO, Mediate BC Society
	Laura Tennant	Executive Assistant, Office of the Attorney General and Minister of Justice
	Carla Terzariol	CEO, Trial Lawyers Association of BC
	Prof. Jeremy Webber	Dean of Law, University of Victoria

## **INTRODUCTION**

### **Attorney General and Minister of Justice Suzanne Anton**

Mr. Walker welcomed the Honourable Attorney General and Minister of Justice Suzanne Anton who attended to provide the Benchers with an update on areas of focus within her Ministry.

On access to justice, the Minister highlighted four elements of access to justice: the public's increasing awareness of rights, entitlements, obligations and responsibilities; awareness of ways to resolve legal problems; the ability to access resolutions systems; and, the ability to participate in the resolution process. To meet these needs, the Government is interested in innovative and collaborative solutions with a focus on front-end service delivery. To that end, it has helped facilitate out-of-court dispute resolution programs such as the sliding scale mediation program developed by Mediate BC in conjunction with Legal Services Society, and has opened three Justice Access Centres ("JAC's"), with the hope for more over time. It is also anticipating the launch of the Civil Resolution Tribunal which aims to resolve many small claims matters through an online platform, starting with strata disputes.

On legal aid, the Minister spoke of a collaboration with the Legal Services Society that has produced a successful expanded criminal duty counsel program in Port Coquitlam, as well as expanded family duty counsel and legal advice services at the JAC's, a family law phone line, the mediation referral service referred to above and a parents' legal centre focused on child protection matters. Across all programs, there is an emphasis on early innovative solutions.

The Minister also noted the upcoming Public Safety and Justice Summit on November 6 and 7 and thanked Tim McGee and Michael Lucas for their assistance with the summit and also noted that Chief Justice Bauman has taken the lead on establishing an Access to Justice Committee to move forward on the goals and recommendations of the National Action Committee and that Deputy Minister Richard Fyfe will be actively involved.

Regarding the Law Society's legislative proposals surrounding regulation of legal service providers, the Minister noted that the timing for consideration of amended legislation by the legislature was probably a couple of years away, given the current legislative calendar. The Minister did suggest that it would put the Law Society in a good position if it had its proposals ready by the end of the 2016.

Minister Anton expressed her appreciation for the Benchers' service and partnership which has contributed to a justice system that makes our province a better place for all British Columbians.

## 1. Legal Services Society Update

Mr. Walker also welcomed Tom Christensen and Suzette Narbonne, the outgoing and incoming Chairs of the Legal Services Society (LSS). Mr. Christensen provided the Benchers with an overview of LSS projects that have a strategic focus on justice innovation and early, stable and fair solutions to legal problems. He echoed the Attorney General's mention of specific projects such as family duty counsel, family mediation, a family law phone advice line, the Parents Legal Centre focused on child protection matters and expanded criminal duty counsel. These initiatives, set to expire in 2017, will be followed up by evaluation by an independent research firm to assess how they have impacted the justice system as a whole.

Ms. Narbonne then spoke of the challenges posed by the finite resources and competing demands on the LSS. She expanded on the initiatives mentioned by both the Attorney General and Mr. Christensen, emphasizing their potential savings and effectiveness through continuity of service and early resolution. Commenting on the Law Society Strategic Plan initiative to pursue alternative legal aid funding sources, she noted that LSS has conducted extensive research and been unable to find alternative sources that are predictable, stable or sufficient. Instead, she suggested focus elsewhere, and encouraged Benchers to work with LSS toward two goals in particular:

- aboriginal cultural competency training, to address the overrepresentation of aboriginal peoples in the justice system; and,
- 'economy of scale' resources to allow small firms and solo lawyers, who do the most legal aid, to optimize their resources.

Benchers congratulated the LSS on the implementation of innovative programs such as expanded criminal duty counsel and the Parents Legal Centre. Additionally, Benchers commented on the significant reductions to legal aid funding that, in some cases, drive users of the system to drastic measures such as fabricating family violence situations in order to qualify. Others commented on the alarming reduction in legal aid rates paid to lawyers, which effectively have fallen by approximately 27% since 1991 and will result in fewer lawyers being able to provide legal aid services.

## CONSENT AGENDA

### 2. Minutes

#### a. Minutes

The minutes of the meeting held on July 10, 2015 were approved as circulated.

The *in camera* minutes of the meeting held on July 10, 2015 were approved as circulated

#### b. Resolutions

The following resolution was passed unanimously and by consent.

- Law Society Rules 2015, corrections

***BE IT RESOLVED to amend the Law Society Rules as follows:***

- 1. In Rule 2-115 [Refund when lawyer does not practise law], by renumbering subrule (1.2) as subrule (1);***
- 2. In Rule 3-66, by striking “Rule 3-58 (3) [Deposit of trust funds]” and substituting “Rule 3-58 (2) [Deposit of trust funds]”; and***
- 3. In Rule 5-12 (4), by adding the following paragraphs:***
  - (a) the same panel that made the order;*
  - (b) a new panel;*
  - (c) the Discipline Committee;*
  - (d) the Credentials Committee..*

- 2015 QC Appointments Advisory Committee

***BE IT RESOLVED*** that the Benchers appoint President Ken Walker, QC and First Vice-President David Crossin, QC as the Law Society’s representatives on the 2015 QC Appointments Advisory Committee.

- Capital Adequacy MCT Ratio – Executive Limitation C.5(a)

*BE IT RESOLVED* that Executive Limitation C.5(a) be amended to state the following:

Accordingly, the CEO must ensure that Law Society budgeting:

5. in the Insurance Fund:
  - (a) Maintains adequate capital, which shall be reviewed by an actuary and monitored by the Finance and Audit Committee annually, and shall not be less than the amount required to meet the Office of the Superintendent of Financial Institutions' supervisory target Minimum Capital Test ratio [...]

## **EXECUTIVE REPORTS**

### **3. President's Report**

Mr. Walker briefed the Benchers on various Law Society matters to which he has attended since the last meeting, including meeting with the Attorney General and the Society of Notaries Public BC regarding the possible merger, Magna Carta events in Vancouver and Victoria, welcome events for recent judicial appointees, and introductory sessions at both UBC and Thompson Rivers law schools. Added to this list were Call ceremonies, a meeting of the Deans' Advisory Committee and various Bar events.

At the September 8 Executive Committee meeting the Executive discussed privacy measures in place and proposed for the Law Society; Mr. Walker reminded the Benchers to be mindful of the contents of laptops and briefcases, and consider the risk involved with the loss of any of that material. He noted that staff is working toward encryption and password protection of Benchers material.

Mr. Walker also noted the upcoming Annual General Meeting on October 14 and the December 3 Benchers' seminar on governance, reminding Benchers of their expected attendance.

### **4. CEO's Report**

Mr. McGee reported (attached as appendix 1) on his recent attendance at the International Institute of Law Association Chief Executives (IILACE) Conference, at which members discussed several topics including gender injustice, and the feminization of the profession globally, as well as changes in the legal marketplace and innovation in legal education.

On gender injustice, the Conference reviewed four international approaches to recruiting and retaining women in the profession, including affirmative action programs, empirical review of

women's practice preferences, projects promoting the business case for the recruitment of women, and systems to combat workplace harassment and promote safety for women as a threshold measure. It was recognized that the area provides a wealth of opportunity for international collaboration.

On developments in the legal marketplace, members discussed alternative regulatory models, with examples being given from the UK and Wales, in which new ownership models are allowing greater public access to legal services and simplification of regulation, and the US, where detractors are citing a lack of data supporting such regulatory changes. Two factions have emerged: some advocate that regulators should lead in promoting change and others support the concept of "forebearance of regulation" that is a minimalist approach. The view of the conference was that the optimum role of a regulator is likely somewhere in between those two extremes.

On the topic of innovation in legal education, the Conference reviewed the University of Washington law school's new approach to combining the teaching of ethics and professional responsibility with leadership and social responsibility training. This broadening of the traditional approach to teaching ethics and professional responsibility has been very well received by the students resulting in high demand for those combined classes. This innovative approach was of great interest to many at the conference who have responsibility for legal education programs.

In addition to the IILACE Conference, Mr. McGee touched on the Federation National Admission Standards Project – National Assessment Proposal, noting that the report is on the Benchers Agenda for information, but that this will be a significant topic of discussion moving forward.

## **5. 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, noting the upcoming Federation Council meeting and Conference in Winnipeg. The topic of the conference is the Truth and Reconciliation Commission's recommendations. The topics at the Federation meeting include Federation governance, National Admissions Standards, the National Requirement Review work plan, and anti-money laundering model regulations. The Model Code Committee is also meeting for a day. One of the topics is the ethical issues associated with judges returning to practice.

Regarding the Federation proposal on admission standards, the question was asked whether the Benchers have an opportunity to weigh in on the plan, or whether Law Societies are being asked simply whether they support the proposals or not. Mr. Walker confirmed that the Federation is seeking input; the Law Society of BC will take the position that it is not ready to commit one

way or the other, and may wish to provide input to the Federation following our own review of the program. In response to the question of what the Benchers are being asked to do by the end of the year, Mr. Hume and Mr. Walker confirmed we are unfettered in our approach to a review, and that questions of timing will be explored at the Federation meetings in October.

It was observed that the Barreau du Quebec appeared to be opting out of National Standards, with the Federation deferring to the Barreau's excellent program, but providing no details of the program itself. Mr. Walker confirmed that the Benchers would be provided with details of that program at the next Benchers meeting.

Dean Webber then expressed concern regarding possible underlying reasons for a drive toward national coordination of competencies by the Federation. Mr. Walker emphasized the value of the input from the law schools, particularly in this, their area of expertise; he also noted the drive toward change provided by increasing mobility, as reflected in the national discipline standards. The key question may not be whether to standardize, but what the appropriate standard should be.

## **DISCUSSION/DECISION**

### **6. Tribunal Program Review Task Force Final Report**

Mr. Crossin chaired this Agenda item to allow Mr. Walker to present the final report of the Tribunal Program Review Task Force as its Chair. The report provides recommendations for changes to the Tribunal Program model. Mr. Walker thanked the Task Force members individually and noted that the report itself was based in part on extensive consultation both within and outside of the Law Society of BC's tribunal program, as well as input received from the Benchers at the May meeting.

The report presents nine recommendations whose focus is to ensure better operation of the tribunal function of the Law Society. The report takes into consideration the value placed on adjudicative work by the Benchers.

The recommendations are:

1. Create of a code of conduct to guide adjudicators
2. Adjust criteria for appointment to hearing panel pool.
3. Reduce the size of public and non-Benchers lawyer pools to create experience.
4. Combine lawyer and Benchers pools to allow administrative flexibility in extraordinary circumstances

5. Appoint experienced lawyers as panel chairs, whether Bencher or not
6. Appoint an independent Tribunal Chair
7. Keep Life Benchers as “spares” for two years to be used in extraordinary circumstances
8. Appoint pool members to a four-year term, renewable only once.
9. Stagger terms of appointment to ensure continuity as well renewal.

Mr. Walker detailed each of the recommendations, together with the rationale for each. Following Mr. Walker’s summary, some Benchers expressed concern with recommendation 6, the appointment of an independent chair. Specifically noted was the potential loss of accountability and transparency, and the risk of the Benchers being unable to disagree with further recommendations they opposed. Also noted was a lack of detail concerning the structure of an independent chair. Others took issue with recommendations 4 through 6 combined; together they represent a further step along the continuum toward removal of Benchers’ adjudicative function, which many view as a key function of a governor of the Law Society. Suggestion was made that consideration be given to appointing an elected Bencher as tribunal chair, rather than an independent person; alternatively, it was suggested that the immediate past president be appointed tribunal chair.

Regarding recommendation 2, it was observed that nothing in the recommendation ensured that the lawyer pool was comprised of lawyers who have not been Benchers; the importance of ensuring non-Bencher participation was stressed.

Another suggested a more efficient and condensed training program that would allow faster integration of new members; also suggested was the reduction of the number of required hearings before qualifying as Chair of a panel. Others suggested that administrative changes could be made to increase efficiency, rather than changing the structure of the hearing panels. Still others requested more information about the administrative challenges be provided before any decisions are made.

A motion was made (Mr. Ferris, seconded by Mr. Mossop) to vote on the recommendations individually. It was noted that many of the recommendations are self-evident and don’t require further debate or information, while others may remain contentious. The motion was carried.

Mr. Crossin, called for votes on each recommendation:

- recommendations 1-3 were approved;
- recommendation 4 was not approved;

- there was a motion to amend recommendation 5 to reduce the previous experience required to chair a panel from five hearings to 2, which was accepted; the modified recommendation was approved;
- recommendation 6 was not approved;
- recommendation 7 was approved;
- recommendation 8 was approved;
- recommendation 9 was approved.

## **7. Presentation of 2016 Budget & Fees**

Mr. Lloyd, Chair of the Finance and Audit Committee, presented recommendations for the 2016 Budget and fees (found at page 125 of the Agenda package). He thanked the Committee members, the management group and staff, and conveyed particular gratitude for all the hard work and guidance of Chief Financial Officer Jeanette McPhee and Controller Aaron Griffith.

Reviewing the recommendations, Mr. Lloyd confirmed that 2016 practice fee recommendation was \$2057, representing an increase of \$65 or 3.3%. In addition, it is recommended the insurance fee remain at the current \$1750.

He reviewed the budgeting process, the focus of which is to deliver the core regulatory programs and to support the continuing initiatives under the Law Society's strategic plan and mandate. He also reviewed the major assumptions in the process, including anticipated income from new and returning members, as well as operating expenses. On the latter, while costs and expenses are tracked rigorously to help provide certainty, some factors remain subject to forces beyond control and are thus difficult to predict. Two areas that have proven unpredictable and have resulted in increased costs in recent years are external counsel fees and the amount of savings expected from staff vacancies. Factors contributing to increased external counsel costs are conflicts, workload, and the requirement of specialized expertise. There has also been an increase in the complexity of cases and correspondingly, the number of hearing days have increased. Going forward, the budget will reflect this new reality and the external counsel fees budgets have been increased to reflect recent trends. The Committee has also asked management to review the external counsel fee model to determine if changes could be made in the future.

Mr. Lloyd also reviewed the funding of external programs, which represents approximately 20% of the practice fee. The specific programs and amounts are found at page 16 of the Committee's report. Additionally, he noted that prior funding of the REAL initiative was funded from the reserve, but given the continuity of the program, has now been added to the practice fee.

Reviewing the Lawyers Insurance Fund, Mr. Lloyd noted that the insurance fee will remain the same in 2016. He also noted that the investment returns are projected at 5.9%, but that these projections are subject to market fluctuations. To address the potential volatility, the Committee has increased the diversity of assets within the fund by changing the asset mix, and adding a real estate fund and mortgage fund.

Mr. Lloyd moved (seconded by Ms. Kresivo) the following resolution:

Be it resolved that:

- Commencing January 1, 2016, the practice fee be set at \$2057.09, pursuant to Section 23(1)(a) of the Legal Profession Act;
- the insurance fee for 2016 pursuant to section 30(3) of the Legal Profession Act be set at \$1,750;
- the part-time insurance fee for 2016 pursuant to Rule 3-40(2) be set at \$875; and
- the insurance surcharge for 2016 pursuant to Rule 3-44(2) be set at \$1,000.

The resolution was approved unanimously.

## **8. Legal Aid Task Force**

Mr. Crossin reviewed the memo from the Executive (found at page 177 of the Agenda package) and confirmed the Executive's recommendation that the Benchers strike the Task Force. He then moved (seconded by Ms. Merrill) the following resolution:

BE IT RESOLVED to create the Legal Aid Task Force, whose mandate is to:

1. develop a principled vision for the Law Society concerning publicly funded legal aid;
2. identify what sources of funding for legal aid programs might exist apart from government;
3. identify ways that the Law Society could promote and improve lawyer involvement in delivering legal services through legal aid plans;
4. identify ways to enhance Law Society leadership concerning legal aid; and
5. develop the best methods engagement with other organizations to coordinate the efficient use of resources in improving publicly funded legal aid.

Following Mr. Walker's call for discussion, it was observed that item 2 of the proposed mandate may signal an acquiescence to the government's inadequate funding, and assume a responsibility that should properly rest with the government. Mr. Crossin agreed that it was the government's responsibility to provide adequate legal aid funding, and noted that inclusion of item 2 was to ensure that the Task Force not lose sight of alternative funding sources that might arise in the course of its work. It was suggested that item 2 be amended to read "identify what sources of funding for legal aid programs might exist *in addition to* government". In response, others observed that, while it is indeed the responsibility of the government to provide adequate funding, historically the government's contributions have been inadequate; it would seem prudent to begin to seek alternative sources of funding elsewhere.

Mr. Crossin suggested amending the resolution by deleting item 2, on the understanding that on a practical level, the Task Force will remain alive to alternative funding sources. It was observed that LSS had earlier emphasized the need for stable, enduring funding, so any potential sources should be considered with these criteria in mind. Mr. Crossin's motion to amend was supported by Ms. Merrill and met with agreement around the table.

The resolution as amended was approved, with one abstention.

## **9. Law Firm Regulation Task Force: Briefing on Consultation Paper**

Mr. Van Ommen updated the Benchers on the draft consultation report which should be finalized following the next meeting of the Task Force. Once finalized it will be circulated to the profession for feedback, and consultation around the province can begin.

## **10. Equity & Diversity Advisory Committee: Diversity & Inclusion Award Draft Criteria and Process**

Satwinder Bains, acting Chair, introduced committee member Jamie McLaren to present the recommendations of the Equity and Diversity Advisory Committee on the selection criteria for the Diversity and Inclusion award. The award itself originated with the 2000 consideration of historical discrimination and exclusion of certain persons from the Bar of British Columbia by the Law Society. Rather than confer posthumous Call on one such person, the Benchers resolved to create an award to recognize diversity and inclusion and notable contributions to human rights. Recent inquiries of Benchers into the earlier discrimination revealed that no further work had been done in the development of the award.

Accordingly, the Equity and Diversity Committee was charged with the award's development; the Committee has now developed selection criteria for the Benchers' consideration and approval.

Ms. Bains moved (seconded by Ms. Merrill) that the Benchers accept the criteria of the award and start the implementation process. The motion was approved unanimously.

## **REPORTS**

### **11. 2015-2017 Strategic Plan Implementation Update**

This matter was carried over for presentation at the October 30 Bencher meeting.

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

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

RCG  
2015-09-25

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

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September 2015

Prepared for: Benchers

Prepared by: Timothy E. McGee

## **2016 Budget and Fees Recommendation**

The Budget and Fees planning process, which included an in-depth departmental review of all programs and three meetings with the Finance and Audit Committee, has culminated in the Finance and Audit Committee report to the Benchers recommending the fees for 2016 and presenting the underlying operational budgets.

The approach that has been taken again this year is to present recommendations to the Finance and Audit Committee reflecting balanced budgets, limited use of reserves and sufficient funding for the proper performance of our core regulatory responsibilities.

Peter Lloyd Chairman of the Finance and Audit Committee together with Jeanette McPhee, our Chief Financial Officer, and I will be at the meeting to address any specific questions you may have and to provide additional details as requested.

## **Events and Conferences**

### **2015 International Institute of Law Association Chief Executives (IILACE) Annual Conference – Washington DC**

I attended the annual IILACE Conference in Washington DC on September 9 – 12. I am currently serving the first of a 2 year term as the President of IILACE and in that capacity I acted as the conference chair. The business program covered 3 themes: “Ethics and Professional Responsibility”, “Management / Governance” and the “Legal Market”.

The stated purpose of IILACE is to create a forum for a small group of executives to discuss important topics for the regulation and representation of the profession and to compare notes on operational and governance matters. This year we had a record number of delegates (47) from over 35 countries. Among those participating were the CEOs of the Law Society of England and Wales, the Solicitors Regulation Authority, all the major state jurisdictions in Australia, the ABA and several US state bar regulatory and representative organizations, and the heads of similar organizations from Germany, Scandinavia, Japan, China, Hong Kong and Africa, as well as several of my Canadian colleagues.

We also had the very special opportunity to be hosted by the Canadian Embassy in Washington for a reception and dinner. The Canadian Embassy occupies a unique

and very dramatic location between the White House and the Capitol building, the latter being in full view from the expansive terraces where we were situated. This was a proud moment for those of us Canadians in attendance and I alluded to this in my address at the dinner. Similarly moving and inspiring was the reception and dinner held inside the United States Supreme Court. We were the official guests of the Chief Justice of the United States John Roberts courtesy of contacts made through the office of Chief Justice Beverley McLachlin. In my dinner remarks I acknowledged the very special nature of our setting noting that decisions of the Court made over time have been instrumental in shaping one of the world's great democracies.

Judging by the level of engagement during the business sessions and the feedback to date this was one of the most successful conferences yet. Topics covered included many of those which are currently part of our LSBC Strategic Plan, including entity / firm regulation, ABS's, and gender and diversity challenges for the profession. A good portion of the program was also dedicated to personal CEOs discussion of organizational governance and management issues, which we all find particularly valuable. I will prepare a complete briefing on the topics and the take-aways for LSBC for the next Benchers meeting. In the meantime, I am attaching a copy of the Conference Program to this report for your information and I would be happy to discuss any of the topics in greater detail.

## **Fifth British Columbia Justice Summit – November 6-7, 2015**

The Law Society has supported the Ministry of Justice and Attorney General in organizing and participating in a series of justice summits since their inception in 2013. The summits have focused on bringing together key participants in the justice system including the judiciary, the justice ministry, lawyers, community agencies, municipalities, police agencies, legal service organizations and members of the academic community to address the most pressing issues within the justice system. I have acted as the Moderator in several of the previous summits and have been invited to do so again for the next summit being held in Vancouver on November 6 -7. The Summit Steering Committee is presently working on the specifics of the summit topic and program and I will have more to report in October.

## **Kootenay Bar Association Meeting – September 19 to 20 – Kaslo, BC**

President Walker and I attended the fall meeting of the Kootenay Bar Association in Kaslo this past weekend. We were warmly welcomed to the business sessions and the social events by our Kootenay Benchers Lynal Doerksen and by Lilina Lysenko, President of the KBA and the others members in attendance. We were invited to give a report from the Law Society and Lynal, Ken and I covered a number of topics including the discussions with the Notaries and the related working groups, the review of our bar admission program and PLTC, the expansion and improvement of our Lawyer Advice services and the work of the Entity Regulation Task Force. We also took the opportunity to talk about the trend of increasing length and complexity of discipline hearings and the budget pressures that presents. We also had a good discussion about the concept of a national exam as reflected in the Federation's National Admissions Standards Project and how that may affect choices the Benchers will be making about the future of our own bar admissions program.

## **Federation of Law Societies of Canada Bi Annual Conference and Business Meetings – September 30 to October 3 – Winnipeg, Manitoba**

The Federation's fall conference this year is being held in Winnipeg and in addition to the regular business program which includes meetings of the CEO's Forum, the Presidents Forum, and the Council of the Federation, there is also a conference portion entitled "A Call to Action: Responding to the Truth and Reconciliation Commission Recommendations". The business agenda will include a presentation of the next version of the report of the Governance Review Task Force and updates regarding the National Admissions Standards Project and the National Requirement Task Force. Benchers who are planning to attend in Winnipeg in addition to Ken and Gavin are Miriam Kresivo QC, Maria Morellato QC and Tony Wilson.

## **University of Victoria Law School – Legal Ethics and Professional Responsibility Class – September 23**

Once again I am presenting to the UVIC Law School Legal Ethics and Professional Responsibility course run by Professor Martha O'Brien. My presentation is entitled

“Law, Lawyers and the Public Interest – Modern Dilemmas”. I set the context for the role of the Law Society as a regulator and then examine the sometimes not easily reconciled obligations of lawyers to clients, the courts and increasingly to society at large. Using two case studies we examine some of the boundaries of these issues and identify how certain ethical, moral and / or professional dilemmas may arise.

## **PLTC Thank You**

Thank you to the following Benchers, Life Benchers and Law Society Staff Lawyers who volunteered their time and expertise to teach Professional Responsibility to the PLTC students on September 10.

Craig Ferris, QC, Bencher  
Sharon Matthews, QC, Bencher  
Carol Hickman, QC, Life Bencher  
Gordon Turriff, QC, Life Bencher  
Mark Bussanich, Staff Lawyer, Professional Conduct  
Kieron Grady, Staff Lawyer, Discipline Counsel  
Kurt Wedel, Staff Lawyer, Investigations, Monitoring & Enforcement

Timothy E. McGee  
Chief Executive Officer



# IILACE Annual Conference 2015

Washington, D.C. | September 9-12

*Presented by LexisNexis and Willis*



National Mall Skyline at Dusk | Photo by: Destination DC

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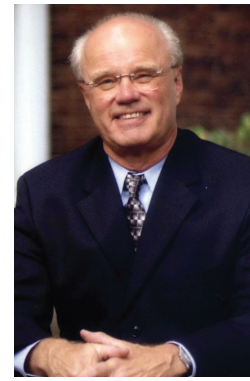
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# Invitation to the Largest Gathering of CEOs of Law Societies and Bar Associations



Tim McGee  
CEO of the  
*Law Society of BC*



Paul Carlin  
CEO of the  
*State Bar of Maryland*

Dear Colleagues,

We are very pleased to provide you with the IILACE 2015 program for our conference in Washington, D.C., the Capitol of the United States.

IILACE is unique in that it brings together chief executives of law regulators and bar associations from around the world to exchange views on strategic and executive issues. At our last conference, we had CEO's from organizations in over 35 countries collectively regulating and/or representing over 1.5 million lawyers.

The program committee, chaired by Cord Brüggmann, has put together a wonderful substantive program which takes place over 3 days with 3 corresponding themes: "Ethics and Professional Responsibility", "Management and Governance" and "The Legal Market". We are certain this will be of great interest to IILACE members from all parts of the world.

The social program begins with an opening reception on Wednesday evening at Loews Madison Hotel, our conference headquarters. Thursday night's dinner will be at the Canadian Embassy where you will enjoy an amazing view up and down Pennsylvania Ave, which has the Capitol Building at one end, and the White House at the other end. We are very honoured to have the Closing Gala dinner at the U.S. Supreme Court. You will enjoy the historic ambience of this wonderful building and feel very much part of U.S. legal history.

There are a host of exciting sites and venues for you to visit which are only a few blocks from the conference hotel. The list of world class museums is extensive, such as the National Air & Space Museum and the Smithsonian Institute. Most are clustered close to each other on the Federal Mall between the Washington Monument (the obelisk) and the US Capitol, and admission to all of them is free.

There are also numerous impressive memorials close by such as the Lincoln Memorial, the Jefferson Memorial and the Martin Luther King Memorial. Plus, of course, the White House, the US Capitol Building, the US Supreme Court and the Library of Congress are all world famous landmarks.

All in all a very exciting program indeed, and we encourage you to register as soon as possible. Please note that as well, there is a side trip to historic Annapolis, home of the U.S. Naval Academy and the State Capitol of Maryland. The trip will include a dinner cruise on Chesapeake Bay, as well as a tour of the U.S. Naval Academy. We depart Saturday afternoon at 2:00 pm and return Sunday afternoon at 3:00 pm. The deadlines for both reserving your hotel room and reserving the side trip to Annapolis is July 24, 2015. We urge you to make your reservation as soon as possible.

We are looking forward to welcoming you to Washington, D.C.

Safe travels!

Tim McGee  
*President of IILACE*

Paul Carlin  
*CEO of the State Bar of Maryland*



# IILACE Annual Conference 2015

## Business Program

All sessions take place at Loews Madison

### Wednesday, September 9

17:30 - 19:00

#### Opening Reception

*Sponsored by the State Bar of Maryland*

Loews - Potomoc Room

### Thursday, September 10 - Ethics and Professional Responsibility day

7:30 – 8:30

#### Breakfast (open to all Delegates, Spouses and Guests)

Hamilton Room

8:30 – 8:45

#### Welcome

Tim McGee, Paul Carlin

8:45 – 10:05

#### Session #1: Gender in Justice – an insight into the worldwide profession from the perspective of gender

*Sponsored by the Law Society of Northern Ireland*

*Chair: Christine Grice*

Panelists: Tadashi Ara, Hope Ndhlovu-Chanda

The legal profession becomes more and more female. More women than ever attend law school; we have more female lawyers than before. Does this change the profession, and if so: What do these changes look like? How do bar associations and law societies support this change?

10:05 – 10:25

#### Break

10:25 – 11:45

#### Session #2: The fine line between protecting members' interests, promoting and protecting public interest and regulating the affairs of members – which cap to wear, when and why?

*Sponsored by the Law Society of British Columbia (Canada)*

*Chair: Paula Littlewood*

Panelists: Paul Philip, Janet Neville, Rampela Mokoena

Following our discussion in Berlin 2013, we want to look at the role of regulators and representative organizations again. Is there still pressure on organizations that appear to have trouble keeping representative and regulatory duties separate? Does the inclusion of non-professionals in regulatory bodies have any ramifications? Has a best practice system evolved?



# IILACE Annual Conference 2015

## Thursday, September 10 - Ethics and Professional Responsibility day (cont'd)

- 11:45 – 12:05      **Business for the Rule of Law**  
*Presentation by Nigel Roberts, LexisNexis*
- 12:05 – 12:50      **Lunch Break**  
*Sponsored by ASI*
- 12:50 – 15:00      **Session #3: Ethics and professional responsibility of lawyers (cont. of Robben Island 2014 discussion)**  
*Sponsored by the Law Society of New South Wales (Australia)*  
*Chair: Lorna Jack*  
*Panelists: Ken Murphy, Nic Swart*  
  
From the 2014 program: "... We will have a provocative panel discussion focusing on the ethical behavior and professional responsibility demonstrated or lacking in legal practice today ..."  
The discussion on this topic began on Robben Island and is very much worth continuing.
- 15:00 – 15:20      **Break**
- 15:20 – 16:30      **Session #4: Rapid response mechanisms for managing failing / collapsing law firms**  
*Sponsored by the Law Society of Ireland*  
*Chair: Edward Mapara*  
*Panelists: Heidi Chu, Jack Rives, Thinus Grobler*  
  
There are many issues that can pose threats to law firms: Outside factors such as bad press, or inside factors like mismanagement. How can bar associations and societies react? Should we have a toolbox ready to help members who face existential dangers?
- 18:30                **Thursday Night Dinner**  
*Sponsored by LexisNexis*  
Canadian Embassy  
Dress: Business attire  
Buses depart at 6:40 pm from the Loews Madison  
Reception 7:00 pm to 7:45 pm  
Dinner 7:45 pm to 9:45 pm

## Friday, September 11 - Management / Governance day

- 7:30 – 8:30      **Breakfast** (open to all Delegates, Spouses and Guests)  
Hamilton Room
- 8:30 – 9:45      **Session #5: Challenges in working with your board**  
*Chair: John Hoyles*  
*Sponsored by the Canadian Bar Association*  
Panelists: Paul Carlin, Catherine Dixon, Joe Dunn  
  
This topic is one of the ongoing themes for ILLACE conferences. There are manifold challenges for CEOs in working with a board, and coping with these challenges effectively can be the key to a smooth running organization.
- 9:45 – 10:05      **Break**  
*Sponsored by the State Bar of Wisconsin*
- 10:05 – 12:00      **Session #6: Corporate governance in professional associations / self-regulation bodies**  
*Sponsored by the Federation of Law Societies of Canada*  
*Chair: Tim McGee*  
Panelists: Lorna Jack, Cord Brüggmann, Makaanatsa Makonese  
  
We want our members to work to the highest standard. Can we promote these standards without being role models ourselves? In this session we will explore how our organizations can have a reputation for using best practices.
- 12:00 – 12:20      **Presentation by Fastcase**
- 12:20 – 13:30      **Lunch Break**  
*Sponsored by Fastcase*
- 13:30 – 14:40      **Session #7: The use of social media in promotion of the profession – pros and cons**  
*Sponsored by Fastcase*  
*Chair: Merete Smith*  
Panelists: Megan Lawton, Ciara Murphy  
Guest speaker: Reid F. Trautz  
  
Social media has become indispensable for a number of law firms. Do we use social media? If so, what can we achieve with it, whom can we reach? Is the use of social media only interesting for large organizations, or is it a good tool for the smaller ones as well? (*Continued on page 6*)



# IILACE Annual Conference 2015

## Friday, September 11 - Management / Governance day (cont'd)

We will discuss with and learn from Reid F. Trautz, Director of the American Immigration Lawyers Association's Practice & Professionalism Centre.

14:40 – 15:00

### **Break**

*Sponsored by the Law Society of Saskatchewan (Canada)*

15:00 – 16:30

### **Session #8: Alternate sources of fundraising / of generating revenue for our organization's financial sustainability**

*Sponsored by the Law Society of Upper Canada (Ontario)*

*Chair: Retha Steinmann*

Panelists: Kaleb Lameck Gamaya, Caroline Nevin

Organizations with mandatory membership have the power of taxation. Voluntary bodies can lose members who are not satisfied with the job their association does. Is it important to generate revenue besides membership dues? Or does that threaten the independence of associations?

18:30

### **Friday Night Dinner**

*Sponsored by Willis*

U.S. Supreme Court

Dress: Black tie or national dress optional

Reception at the U.S. Supreme Court

Buses depart at 6:30 pm

Reception 6:50 pm to 7:30 pm

Dinner 7:30 pm to 9:30 pm

## Saturday, September 12 - Legal Market day

7:30 – 8:30

### **Breakfast** (open to all Delegates, Spouses and Guests)

Hamilton Room

8:30 – 8:55

### **Presentation by ASI**

8:55 – 9:30

### **Results of the IILACE strategic planning project**

Tim McGee, Cord Brüggmann

9:30 – 10:00

### **IILACE AGM**

# Washington, D.C.

10:00 – 10:15	<b>Break</b>
10:15 – 11:30	<p><b>Session #9: External ownership of law firms, new developments</b></p> <p><i>Sponsored by the Law Society of Hong Kong</i></p> <p><i>Chair: Paul Mollerup</i></p> <p>Panelists: Paul Philip, Robert Lapper</p> <p>Guest speaker: Nick Robinson</p> <p>Another ongoing topic for ILLACE conferences, we want to explore which new developments we see worldwide. In this session we will share experiences and have an interesting outside view from an eminent academic, Nick Robinson of the Harvard Law School Program on the Legal Profession.</p>
11:30 – 11:45	<b>Presentation by Willis</b>
11:45 – 13:00	<p><b>Session #10: International mobility in global legal markets</b></p> <p><i>Sponsored by the Law Society of Manitoba</i></p> <p><i>Chair: Jack Rives</i></p> <p>Guest speaker: Laurel Terry</p> <p>Boxed lunches will be available</p> <p>Some decades ago, law was a rather narrow-minded subject. Lawyers were able to thrive without knowing anything about the world outside national borders. Today, not only large international law firms deal with international law. Young lawyers want to gain experience abroad. Continents grow together with the law being a driver of that development. In this session we will explore how we regulate and represent in global legal markets, and we will learn from a well-known and excellent Guest speaker Laurel Terry of Penn State's Dickinson Schools of Law.</p>
13:00	<b>Conference Concludes</b>
14:00	<p>Post-conference trip to Annapolis. Bus departs from the Loews Madison.</p> <p>Post-conference trip returns to Loews Madison at 3:00 pm Sunday.</p>

# Historic Annapolis

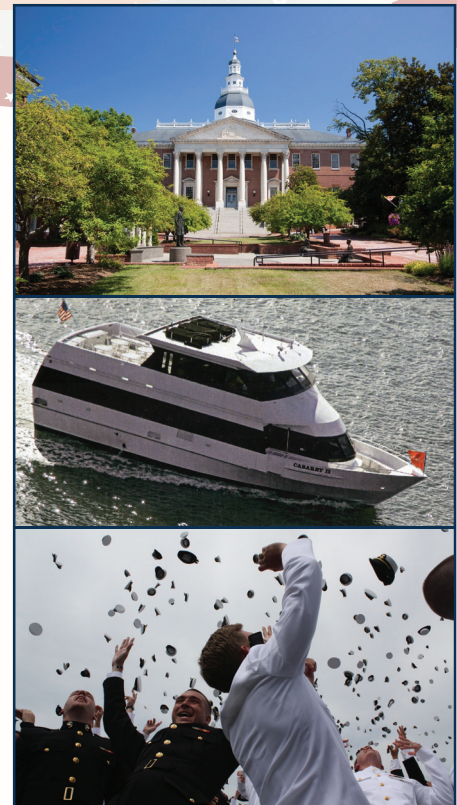


The post-conference trip will take folks to the historic town of Annapolis, home of the US Naval Academy and the Capital for the State of Maryland.

The excursion will involve arriving at our hotel in Annapolis at about 2:30 pm on Saturday, September 12. The afternoon will be available for people to walk the beautiful historic streets of Annapolis and to sightsee as they wish. In the early evening we will depart by bus to the harbor for a wonderful dinner cruise on the Severn River and Chesapeake Bay. After the cruise we will return to the hotel which has a wonderful indoor/outdoor bar where we can celebrate the end of the day.

On Sunday morning after breakfast, we will travel to the historic US Naval Academy for a tour and then on to the very interesting Fort McHenry. We will proceed from there to the Inner Harbor in Baltimore where we will have lunch and we will return to the Loews Madison Hotel in Washington for 3:00 pm.

It will be an opportunity to enjoy a slice of American history.



Photos courtesy of [www.visitannapolis.com](http://www.visitannapolis.com)



IILACE Annual  
Conference 2015

# Registration Form

Washington, D.C. | September 9 - 12

Name of Chief Executive \_\_\_\_\_ Title \_\_\_\_\_

Name of Law Association \_\_\_\_\_ E-Mail \_\_\_\_\_

Address \_\_\_\_\_ Telephone \_\_\_\_\_

\_\_\_\_\_

## Conference Registration

☐ I will attend the IILACE Washington 2015 Conference \_\_\_\_\_

**US \$895 registration fee.** Includes all meetings and educational sessions, breakfasts and lunches, reception on Wednesday and dinners on Thursday and Friday.

☐ I will be accompanied. The name of my guest is \_\_\_\_\_

**US \$495 guest registration fee.** Includes reception and dinners on Thursday and Friday, and breakfast on Thursday, Friday and Saturday.

## Post-Conference Trip Registration (must be registered by July 24th)

☐ I will attend the tour of Annapolis

**US \$865 Single occupancy registration fee.**

Includes return bus transportation, accommodation, dinner on Saturday, and breakfast and lunch on Sunday.

☐ I will attend the tour of Annapolis

**US \$890 Double occupancy registration fee.**

I will be accompanied. The name of my guest is \_\_\_\_\_

Includes return bus transportation, accommodation, dinner on Saturday, and breakfast and lunch on Sunday.

## Historic IILACE Conference Photo Books

I would like to purchase the following Commemorative IILACE Conference Photo Books, at US \$30 each:

- ☐ Vancouver, Canada      ☐ Adelaide, Australia      ☐ Hong Kong, China      ☐ Berlin, Germany  
☐ Cape Town, South Africa

TOTAL PAYMENT:	Conference Registration Fee:	\$_____ USD
	IILACE Annapolis Trip Registration Fee:	\$_____ USD
	Purchase of Photo Books:	\$_____ USD
	GRAND TOTAL:	\$_____ USD

## Payment Information

Pay in one of three ways:

1. Send a cheque to: John Hoyles, Chief Executive Officer      **NEW!** 2. Pay Online Now  
Canadian Bar Association  
865 Carling Avenue, Suite 500  
Ottawa, ON, K1S 5S8 Canada  
Please make cheques payable to IILACE

3. Pay by Credit Card: ☐ VISA      ☐ MasterCard      ☐ American Express

Name on card: \_\_\_\_\_

Card Number: \_\_\_\_\_ Expiry: \_\_\_\_\_

Cardholder Signature: \_\_\_\_\_

3. Wire your money to:
- |                                |                          |
|--------------------------------|--------------------------|
| IILACE Account                 | Royal Bank of Canada     |
| Bank Account number: 400 181 4 | Westgate Shopping Centre |
| Bank Transit number: 01326     | 1309 Carling Avenue      |
| Bank Number: #003 1309         | Ottawa, ON H1Z 7L3       |
| Bank Swift Code: ROYCCAT2      |                          |

**IMPORTANT:** Once you have wired your money, please send an email to [info@iilace.org](mailto:info@iilace.org) confirming the day the money was wired for our tracking purposes.

**Send your registration form by email to [info@iilace.org](mailto:info@iilace.org) or by fax to +1-613-237-0185 (Canada), attention of John Hoyles**



**IILACE Annual  
Conference 2015**

# Accommodation Reservation Form

**Washington, D.C.  
September 9 - 12**



**LOEWS**

MADISON HOTEL  
WASHINGTON DC

**THE ROOM YOU NEED**

1177 15th St. NW  
Washington, D.C. 20005  
Phone: 202-862-1600  
Fax: 615-340-2001

When making your booking, please quote the reference:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Tel. No: \_\_\_\_\_ Fax: \_\_\_\_\_

Cell No: \_\_\_\_\_ Email: \_\_\_\_\_

Please select your requirements

Single/double room occupancy ☐ US \$219 + taxes

Number of nights \_\_\_\_\_ at \_\_\_\_\_ Total \_\_\_\_\_

Date of arrival: \_\_\_\_\_ Date of Departure: \_\_\_\_\_

To confirm the booking, at least one night's accommodation must be paid:

## Method of payment

☐ Credit Card

\_\_\_\_\_  
Name of Card Holder

\_\_\_\_\_  
Type of Credit Card

\_\_\_\_\_  
Credit Card Number

\_\_\_\_\_  
Expiry Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### Direct Link for Registration:

Please make your room reservation by using the following link  
[www.loewshotels.com/madison/Canadian-Bar-Association?corpcode=MDB909](http://www.loewshotels.com/madison/Canadian-Bar-Association?corpcode=MDB909)

If you need to extend your stay pre- or post-conference, please  
contact the hotel directly at 1-855-325-6397.