

THE LAW SOCIETY OF BRITISH COLUMBIA  
2010 ANNUAL REVIEW



Enhancing public  
confidence with effective,  
transparent regulation.



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*The 2010 Law Society Annual Review is available only in electronic form.*

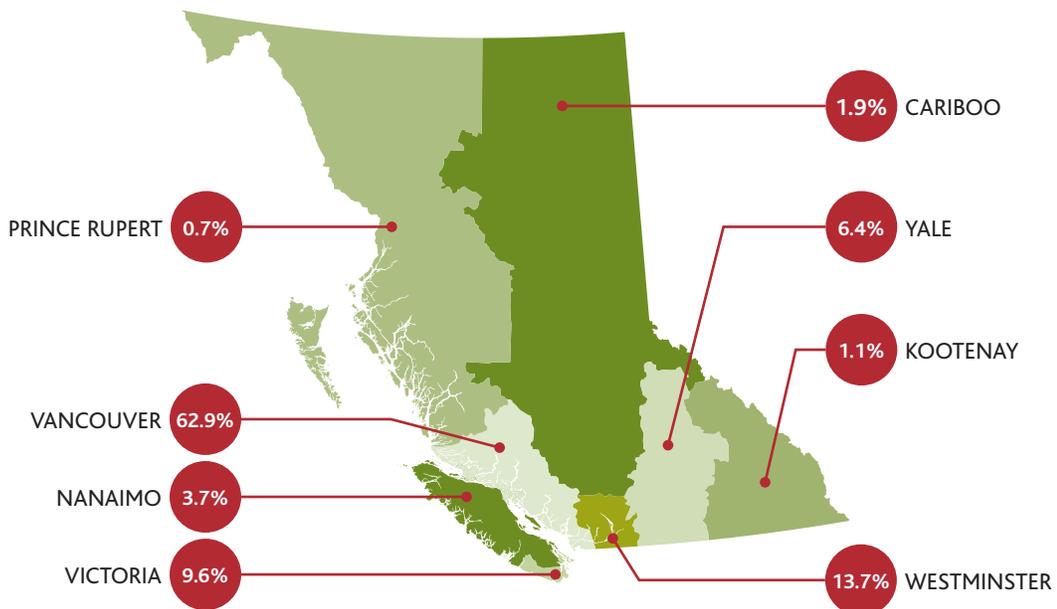
The Law Society of British Columbia works to ensure that the public is well served by lawyers that are competent, honourable and independent. The Society sets and enforces standards of professional conduct for lawyers and brings a voice to issues affecting the justice system and the delivery of legal services in BC.

In accordance with the *Legal Profession Act*, the Law Society is governed by 25 Benchers who are lawyers — chosen by other lawyers from nine regions across BC — and up to six non-lawyer Benchers, appointed by the provincial government. The Attorney General of British Columbia is also a Bencher.

Benchers serve two-year terms and can be re-elected or re-appointed for a maximum of eight years. The President is the chief elected official of the Law Society and serves a one-year term. The Benchers are responsible for the Law Society Rules, the *Professional Conduct Handbook* and governance policies and also govern and administer the affairs for the Society.

The Chief Executive Officer and Executive Director of the Law Society directs the staff and the operations of the Society.

LAWYERS AROUND THE PROVINCE BY REGION



### Criteria set for broader participation on hearing panels

To create greater separation between the Law Society's investigative and adjudicative functions, the Benchers approved a new model for selecting hearing panels that will see previously Bencher-only panels enhanced with lawyers and non-lawyers chosen from an established "hearing pool."

### Early steps taken to provide access to lower cost legal services

The Benchers approved recommendations from the Delivery of Legal Services Task Force that increase the services that paralegals and articulated students can provide under the supervision of a lawyer as a step to improving the public's access to competent and affordable legal services.

### Rules amended to allow disciplinary action before citation

The Benchers amended our rules to allow the Law Society to suspend or impose conditions on a lawyer before the issuance of a citation. This extraordinary action in a disciplinary proceeding will be taken when required to protect the public.

### Hearing panels given authority to penalize ungovernability

New rules were approved to allow hearing panels, when determining the discipline penalty, to consider whether a lawyer is ungovernable as demonstrated by a consistent lack of cooperation with the Law Society.

### Abeyance policy implemented for conduct investigations

An abeyance policy was approved by the Benchers to guide investigations into a lawyer's conduct where there are parallel proceedings in another forum. The Law Society retains the discretion to end an abeyance unilaterally at any point and to proceed immediately with our investigation when the available information no longer justifies the abeyance.

### Conduct review summaries to be published to increase awareness

As an additional means of educating the profession on conduct that may lead to discipline, the Benchers have determined that we will begin publishing anonymous summaries of conduct reviews.

### Maternity leave program launched to assist sole practitioners

The Law Society initiated the [maternity leave benefit loan program](#) to help self-employed women lawyers remain in practice by assisting with the overhead costs associated with maintaining a sole practice during a maternity leave.

### Core regulatory processes reviewed to improve effectiveness

Law Society staff participated in a comprehensive review of our core regulatory processes to better assess our ability to effectively and efficiently regulate. Improvements have now been made and we have developed a roadmap for further enhancements.

### Recommendations made to improve courtroom skills

The Benchers adopted recommendations to develop and implement initiatives aimed at improving the oral advocacy skills of lawyers. The Law Society will work collaboratively with other organizations to enhance junior lawyers' courtroom experience and skills.

### Lawyers permitted to enter into multi-disciplinary partnerships

New rules permitting lawyers to partner with non-lawyers were put in place. Multi-disciplinary partnerships create the opportunity to provide clients with one-stop shopping for professional services related to their legal needs.



The 2010 recipient of the Law Society Gold Medal for UBC was law school graduate Kaitlin Cooper.



The 2010 Law Society Gold Medal was presented to University of Victoria law school graduate Christina Drake (centre). Pictured with Life Bencher Richard Margetts, QC and Dean Donna Greschner.



Jeffrey Yuen, 2010 Law Society Scholarship recipient, graduated from the University of BC in 2008 and plans to engage in an international comparative analysis of the law's capacity to respond to the social transformation of the family.

**Mentoring accredited as additional professional development option**

Mentoring was added as an accredited continuing professional development activity for lawyers. Mentorship encourages both experienced and newer lawyers to meet some of their required professional development with a mentoring relationship.

**Changes sought to the *Legal Profession Act* to improve regulation**

As reflected in this report, the Law Society has contributed considerable energy to improving how we regulate. Proposed changes to the *Legal Profession Act* were sought in response to increasing public expectation for effective and transparent self-regulation. If the changes are enacted, they will enhance the Law Society’s regulatory authority, giving even greater reason for public confidence in BC’s legal profession.

**Event held in support of Aboriginal lawyers and students**

Over one hundred lawyers, law students and other interested people attended the Law Society’s event in support of Aboriginal lawyers and law students. This event, entitled “Inspiring stories connecting future leaders,” was part of the Law Society’s strategic initiative to improve the retention rate of Aboriginal lawyers in the legal profession.

**Workshop offered to assist media with legal reporting**

Sixty-five journalists attended the 14th annual Media and Law Workshop, organized by the Law Society in partnership with the Jack Webster Foundation. The workshop provides guidance to journalists who are reporting on legal issues.

**Survey provides information on perception of lawyers**

The Law Society commissioned a survey to gain public feedback about lawyers, the work of the Society and the use of legal services in BC. The survey showed a positive trend in the public’s perception of lawyers and the Law Society. Full survey results were released in early 2011.

**Law Society provided local support to the ILLACE Conference**

The International Institute of Law Association Chief Executives Conference was held in Vancouver. The Law Society played a significant role in setting the agenda and facilitating the discussions for delegates from 15 countries.

**Law Society hosted events at IBA Conference**

The Law Society hosted events at the International Bar Association Conference held in Vancouver, including a workshop entitled “The media, government and public perception — what you don’t know can hurt you.”

**Federation of Law Societies improves mobility and national standards**

The Federation of Law Societies of Canada adopted the Québec Mobility Agreement which enhances lawyer mobility among Quebec and other Canadian jurisdictions. Rule changes were passed in July 2010 to enable BC’s involvement in this reciprocal agreement.

In BC, the Federation approved the mobility defalcation compensation agreement, a program that ensures law societies across Canada compensate people who sustain a financial loss from misappropriation of monies or property by a lawyer who practises in multiple provinces.

The Benchers agreed to the adoption of national academic requirements for law students entering bar admission programs anywhere in Canada (outside Quebec). Approval is contingent on the Federation of Law Societies establishing a committee with representation from BC law schools to consider implementation issues.

The Federation recommended a Model Code of Conduct for adoption by all law societies in Canada in order to set national standards for ethical conduct. The Law Society proposed some changes to adapt it for BC.



Retired Judge Alfred Scow (centre), the first Aboriginal person in BC to become a member of the Bar and to be appointed to the Bench, was honoured at the “Inspiring stories connecting future leaders” event. Pictured with Chief Edward John and lawyer Elizabeth Hunt.



Media and Law Workshop panellists were (left to right) reporter John Daly of Global TV BC, the Honourable Mr. Justice Geoffrey Gaul of the BC Supreme Court, reporter Louise Dickson of the *Victoria Times Colonist*, and media lawyers David Sutherland and Dan Burnett.



Tim McGee, Chief Executive Officer and Executive Director of the Law Society, addresses the candidates for call and admission at the September 2010 call ceremony in Vancouver.



There are a growing number of unrepresented litigants in our courts, tribunals and government processes — proper legal advice is not affordable for many people. The Law Society is looking at concrete ways to move forward on this issue.

The Law Society of British Columbia celebrated its 125th anniversary during 2009 with a focus on the need to protect the public interest by preserving a self-regulating independent Bar. We also initiated our three-year strategic plan and in 2010 we made significant progress in the implementation of that plan.

Our first strategic goal is to improve access to legal services for all British Columbians. This subject has been highlighted in the public positions taken by Chief Justice McLachlin and Chief Justice Finch. There are a growing number of unrepresented litigants in our courts, tribunals and government processes — proper legal advice is not affordable for many people. The Law Society is looking at concrete ways to move forward on this issue. We have introduced the “unbundling” of legal services and are pursuing increased roles for articling students and paralegals. We also joined with other organizations in the Public Commission on Legal Aid initiated by the BC Branch of the Canadian Bar Association. The hearings and subsequent report of the distinguished BC lawyer, Len Doust, QC, will, we hope, begin a process of reformation which will ensure that all British Columbians have access to necessary legal services.

Another goal of our strategic plan is to improve our discipline process by making it more transparent, responsive and timely. We have prescribed a one-year timeline from the receipt of a complaint to the referral of that complaint to the Discipline Committee. Integral to this is the Law Society's new policy on “abeyances” in the discipline process. The long-established practice of standing down our discipline proceedings while other investigative processes work their way through to completion will no longer be acceptable. The Law Society will proceed so as to ensure that our discipline process is not compromised and the public is protected. The public, complainants and lawyers want discipline matters dealt with properly, and without undue delay.

We have also moved forward with plans to expand the personnel who will sit on our hearing panels to create separation between Benchers as prosecutors and Benchers as adjudicators. Beginning in 2011, non-Bencher lawyers and non-lawyers will have an opportunity to be members of discipline and credential hearing panels.

For some time, the Law Society has been anxious to have our membership be more reflective of the community, that is British Columbia. A particular interest has been the Aboriginal community and we are working at developing new strategies and programs to increase the number of Aboriginal lawyers in our province and ensure that they remain members of our Law Society.

Needless to say, Benchers welcome input from other members of the profession and from the public. We are particularly grateful for the volunteerism that BC lawyers show each and every day in their communities, in the justice system, with the Law Society and in the provision of lawyer education. This has been very gratifying to me, and I am sure that they will continue to do their part into the future.

Serving as your President has been a great honour. I would like to thank the lawyers of Nanaimo District for giving me their confidence to be “their” Bencher for nine years and my partners and staff for allowing me to dedicate the necessary time to this sometimes onerous task.

Our Chief Executive Officer and the staff of the Law Society make the job of President, and of Bencher, enjoyable, useful and rewarding. What success the Law Society has had results from their efforts. They are a constant reminder that the Law Society's purpose is the service of the public interest.

I have served with many Benchers during my years at the Law Society who work very hard to achieve the advancement of our profession in that public interest. We have an honourable profession and, without exception, these Benchers give dimension to the meaning of that word. I have been particularly fortunate to have Gavin Hume, QC as my First Vice-President. A principled man and a tireless worker, he will ensure that great things are achieved by the Law Society in 2011. Under his leadership, I am sure that the Law Society will continue to advance the public interest and our profession.

  
G. Glen Ridgway, QC  
President

The Law Society's 2009-2011 strategic plan is based on three core issues that connect the public interest and the legal profession:

- ACCESS
- PUBLIC CONFIDENCE
- EDUCATION

In 2010, our committees and staff worked on many initiatives to advance each of our strategic goals.

### GOAL 1 Enhance access to legal services

- Benchers approved recommendations to increase the services that paralegals and articulated students can provide under the supervision of a lawyer. Expanding these roles will improve the public's access to competent and affordable legal services.
- The strategic plan was modified to include a new focus on Aboriginal lawyers who are significantly underrepresented in BC's legal profession. A business case for retaining Aboriginal lawyers is now being developed.
- The maternity leave benefit loan program was introduced to help self-employed women lawyers maintain their practices during a maternity leave.

### GOAL 2 Enhance public confidence in the legal profession through appropriate and effective regulation

- Our rules were changed to permit disciplinary hearing panels to consider whether a lawyer's prior professional conduct record establishes that the lawyer is ungovernable and to take this into account when assessing penalties. The ability to impose penalties based on "ungovernability" increases public protection.
- The new model of selecting a majority of hearing panel members from an established "hearing pool" of non-Benchers lawyers and non-lawyers was approved. Public confidence in the discipline process will be strengthened by creating a greater separation between those who are responsible for investigating and prosecuting allegations of lawyer misconduct and those who make the ultimate findings.
- Benchers directed that summaries of all conduct reviews be published anonymously to assist the legal profession in better understanding and avoiding conduct that may lead to discipline.
- An abeyance policy was approved for investigations into a lawyer's conduct where there are parallel proceedings in another forum. The Law Society retains the discretion to end an abeyance unilaterally at any point and proceed immediately with our investigation.
- Proposed changes to the *Legal Profession Act* were submitted to the provincial government. The purpose of these legislative amendments is to increase the effectiveness and transparency of the Law Society in our regulation of lawyers.
- Rules were approved to permit lawyers to enter into partnerships with non-lawyers. Multi-disciplinary partnerships enable firms to reduce overhead while the public benefits by having a range of professional services conveniently in one location.
- Greater lawyer mobility between Québec and other Canadian jurisdictions was enabled with the adoption by the Law Society of new rules recommended by the Federation of Law Societies in Canada.

### GOAL 3 Effective education of lawyers and the public

- Mentoring was added as a continuing professional development activity for lawyers. Mentorship encourages both experienced and newer lawyers to meet some of their required professional development with a mentoring relationship.
- The Benchers supported recommendations to develop and implement initiatives aimed at increasing junior lawyers' courtroom experience and skills with the intent to improve the oral advocacy skills of lawyers.
- The Law Society collaborated with continuing legal education providers and Courthouse Libraries BC to begin organizing the courses and resources available to lawyers in the professionalism and ethics area, as well as identifying any gaps in current offerings.



**Our achievements this year are a testament to the dedication of Law Society staff and Benchers to providing effective, efficient and transparent regulation of lawyers in the public interest.**

The Law Society had a very productive year in 2010, meeting our operational goals and making significant progress on our strategic plan. Our achievements this year are a testament to the dedication of Law Society staff and Benchers to providing effective, efficient and transparent regulation of lawyers in the public interest.

We are now two years into our three-year strategic plan and a full 95% of the plan is either complete or in progress. Some of the highlights include the introduction of a new legal services delivery model involving paralegals and articled students; plans to open up hearing panels to non-Benchers and the public; approval to allow multi-disciplinary partnerships; proposed modifications to the *Legal Profession Act* to enhance regulatory oversight and accountability; initiatives to expand and enhance the teaching of lawyer advocacy skills; changes to rules to improve the efficiency of investigations; continued development of equity and diversity initiatives; and adoption of new rules to enhance mobility of lawyers between provinces.

In 2010, we also embarked on a core process review — assessing every aspect of our regulatory processes to identify opportunities for improvement. This year-long project involved virtually every Law Society employee and resulted in a number of positive changes. Over time, we expect to implement other recommendations from the review to increase regulatory efficiency and effectiveness.

The core process review also provided us with a chance to revisit our key performance measures, which are used to evaluate our operations and have been in place since 2007. In 2010, we met or exceeded almost all of our targets. Using the information gathered during the core process review, we will be assessing where we could or should modify the measures so as to improve their relevancy as benchmarks of regulatory excellence.

We looked for external guidance this year by way of two surveys. Once again, we conducted a study to continue our ongoing evaluation of the public's perceptions of lawyers and the Law Society. This year's results show positive trends over prior years.

We also surveyed BC lawyers to gather feedback on our communication with them. The results will be used to enhance how we inform and advise lawyers and have already impacted the design of our new website, which was launched in early 2011.

We are very grateful for the significant contribution made by the many volunteers who serve as members of committees, task forces or working groups, as guest instructors or authors of our course materials, as fee mediators, event panellists and advisors on special projects. The commitment and skill of our volunteers is invaluable to the work of the Law Society.

Our Benchers are also dedicated to their roles as leaders and decision-makers and we thank them for their strong leadership in 2010. The year saw the departure of three appointed Benchers — Patrick Kelly, Barbara Levesque and Dr. Maelor Vallance. In addition to their many duties as Benchers, these individuals have the added responsibility of ensuring the public interest is always at the fore of what we do.

Finally, I would like to acknowledge the work of outgoing President, Glen Ridgway, QC. Glen brought a particular focus in 2010 to access to justice issues, working diligently with various committees and task forces to advance many important initiatives. For 2011, we welcome Gavin Hume, QC as our President and look forward to continuing our strong working relationships.

A handwritten signature in blue ink that reads "Timothy E. McGee". The signature is fluid and cursive, with the first name being the most prominent.

**Timothy E. McGee**  
Chief Executive Officer

The Law Society provides a range of services and resources to protect the public and assist lawyers to better serve their clients in a professional and ethical manner.

**Admissions and Credentials** ensures new lawyers are properly qualified to practise law and administers the annual continuing professional development program for all lawyers.

**Professional Conduct and Discipline** investigates complaints about lawyers and pursues disciplinary action.

**Practice Standards** conducts practice reviews of lawyers and monitors remedial programs.

**Custodianships** takes custody of a lawyer's practice when a lawyer is unable to continue practising and has not made alternate arrangements for clients.

**Practice Advice** provides advice to lawyers on practice management, ethics and legal practice issues.

**Policy and Legal Services** develops policy, conducts legal research and monitors developments on issues involving professional regulation.

**Trust Assurance** conducts trust fund accounting compliance audits and reviews trust accounting practices at law firms.

**Tribunals and Legislation** supports the work of Law Society hearing and review tribunals and drafts new rules and proposed amendments to the *Legal Profession Act*.

**Lawyers Insurance Fund** operates a mandatory insurance program for BC lawyers, providing liability and trust protection coverage.

Our key performance measures evaluate the effectiveness of our core functions — those most closely tied to governance of the legal profession — and assure stakeholders that the Law Society is fulfilling its mandate. The annual review of performance provides valuable insight and targets for continued improvement.



### Management Board

Front, left to right:

**Adam Whitcombe**  
*Chief Information and Planning Officer*

**Susan Forbes, QC**  
*Director, Lawyers Insurance Fund*

**Timothy E. McGee**  
*Chief Executive Officer and Executive Director*

**Deborah Armour**  
*Chief Legal Officer*

**Jeanette McPhee**  
*Chief Financial Officer*  
*Director of Trust Regulation*

Back, left to right

**Alan Treleven**  
*Director, Education and Practice*

**Jeffrey Hoskins, QC**  
*Tribunal and Legislative Counsel*

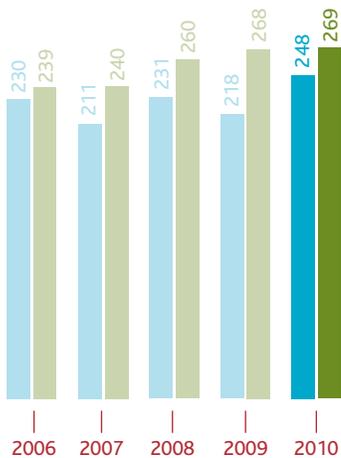
Not pictured:

**Stuart Cameron**  
*Director of Discipline/Litigation Counsel*

## ADMISSIONS AND CREDENTIALS

**GOAL:** To ensure that new lawyers are appropriately qualified to practise law in BC by preparing and assessing applicants for call and admission to the Law Society and licensing them to practise.

### NEW BC LAWYERS



● WOMEN  
● MEN

The Law Society evaluates the credentials of those seeking [admission to the profession](#), oversees the [articling program](#), conducts the [Professional Legal Training Course](#) and manages the [continuing professional development program](#).

### 2010 Results

- [Mentoring](#) was accredited as another way for BC lawyers to fulfill their continuing professional development requirements.
- The number of students entering the Professional Legal Training Course declined slightly to 392 from 410 in 2009. The number of admission program students with foreign law degrees continued to increase.
- In each of the past five years, the number of students achieving an initial pass in the Professional Legal Training Course exceeded the key performance measure of 85%.
- The students' rating of the value of the Professional Legal Training Course met our targets.
- The ratings from both articulated students and their principals on the preparatory value of the articling experience met our performance objectives.
- Ninety-nine per cent of the articling principals declared their students fit to practise law, exceeding the performance goal of 98%.

## PROFESSIONAL CONDUCT AND DISCIPLINE

**GOAL:** To handle complaints about lawyers in a fair, effective and timely manner and to maintain a regulatory process that is consistent, thorough and transparent.

The Law Society determines standards of professional conduct and responsibility for BC lawyers and articulated students and ensures adherence with those standards through our [complaints and discipline process](#). The Society also enforces the provisions that prohibit unqualified individuals from practising law.

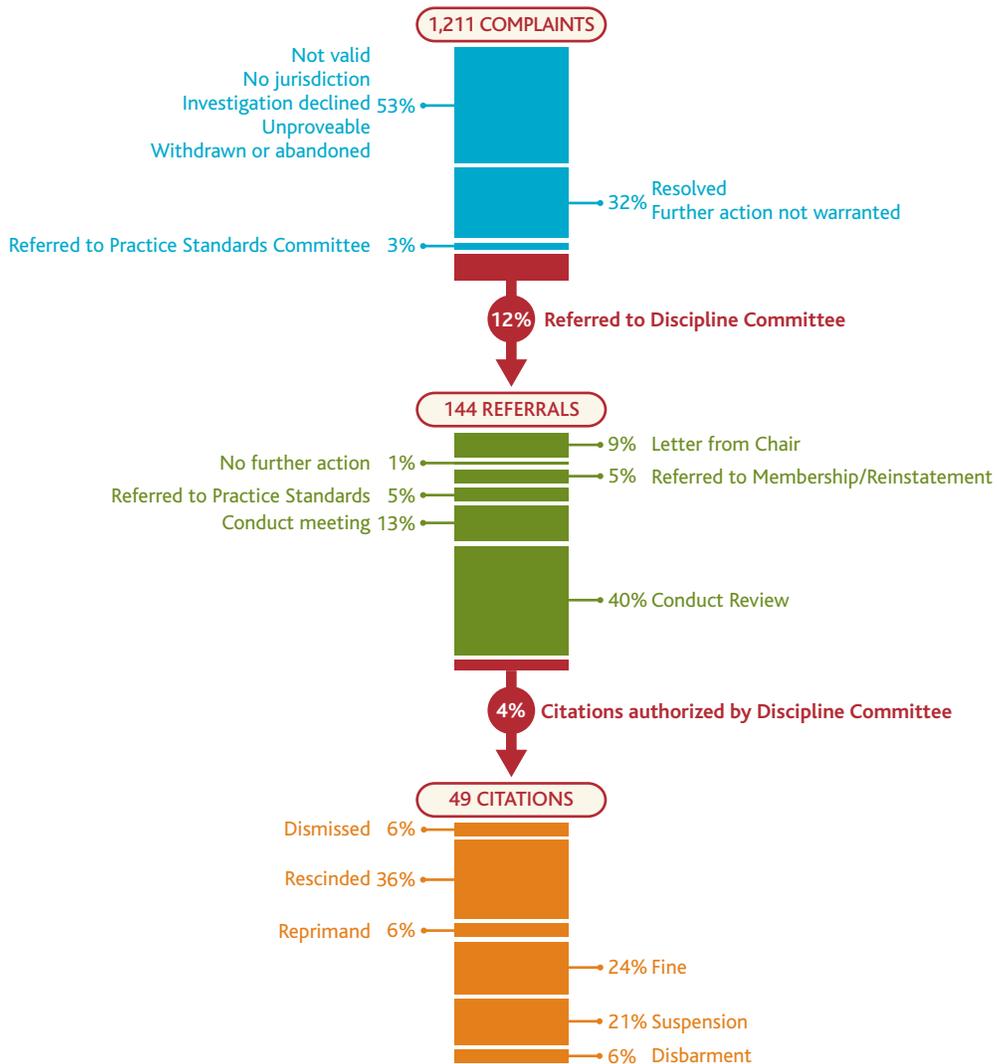
All complaints received about the professional conduct and competency of BC lawyers are considered by the Law Society's staff lawyers and paralegals who are assisted by commercial crime investigators and forensic accountants.

To ensure fair, effective and efficient investigations and disciplinary actions, a new plan was developed for the regulatory areas and implemented in early 2011.

### 2010 Results

- 1,149 complaint files were opened and 1,211 complaint files were closed. A number of these closed files were active files opened in the previous year.
- Ninety-one per cent of complaint files were closed in less than a year, which is a significant improvement over the 83% that were closed in 2009. Some complaints take longer to resolve due to their complexity and evidence-gathering requirements.
- The frequency of complaints referred to the Discipline Committee as a percentage of all complaints decreased to 11.1%, compared to 12.1% in 2009.
- Sixty-seven per cent of complainants were satisfied with the fairness of the process and the thoroughness with which complaints were managed, surpassing our goal of 65%. Seventy-six per cent of complainants expressed satisfaction with timeliness in the handling of their complaints and 92% expressed satisfaction with the courtesy extended to them, again exceeding our objectives of 75% and 90% respectively. Fifty-nine per cent of complainants would recommend the complaint process to someone else, slightly below our goal of 60%.
- Three requests for responses were received from the provincial [Office of the Ombudsperson](#) concerning our complaint investigation process, compared to five requests in 2009. All have been closed as either settled or not substantiated.
- The [Complainants' Review Committee](#) continued to be satisfied with the Law Society's complaints-handling process and procedure. The committee closed 94 complaints out of 104 without further action against the lawyer. Of the remaining 10 complaints, four were referred for further disciplinary or remedial action, five cases were closed after determining that the Law Society's staff assessments were appropriate, and one complaint review is pending.

DISPOSITION OF COMPLAINT FILES CLOSED IN 2010



Please note that while this graph attempts to demonstrate proportion, it is not to scale.

## PRACTICE STANDARDS

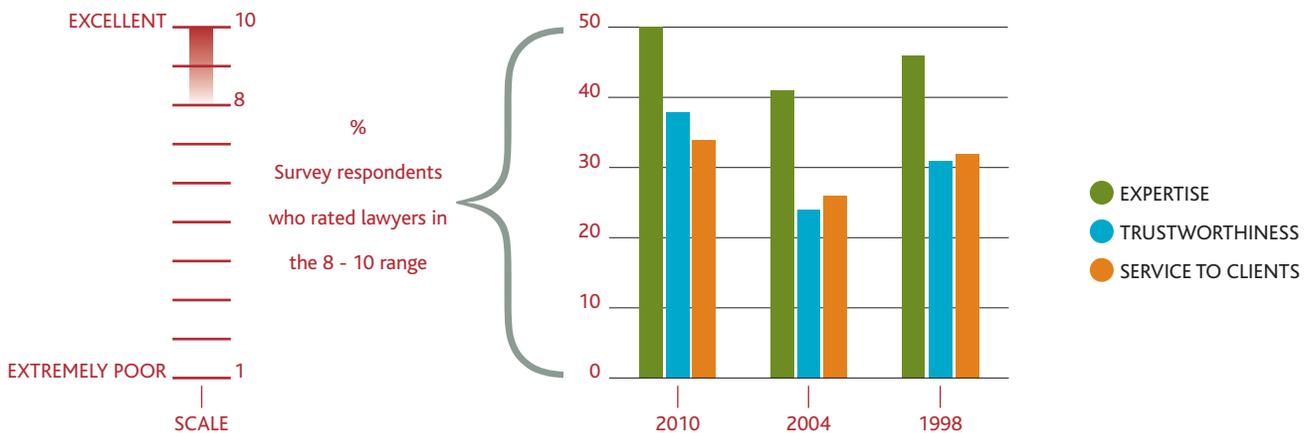
**GOAL:** To achieve a measurable increase in lawyer competency as a result of remedial measures taken with lawyers whose competency is in question, and to obtain positive feedback on the value of the online practice resources.

The [Practice Standards program](#) ensures that lawyer competency issues are addressed with online courses, practice management support and other resources. On the regulatory side, any complaints referred to the Practice Standards Committee are considered and investigated where necessary.

### 2010 Results

- Of the lawyers who were referred to the Practice Standards program, 81% demonstrated an improvement in competency of at least one rating point on a five-point scale, indicating the effectiveness of the remedial programs and exceeding the performance goal of at least 66% of participants showing a one-point improvement.
- The online practice support resources were each rated three or higher on a five-point scale by a range of 82% to 86% of lawyer respondents. Although ratings for each program were high, the key performance target of 90% of lawyers responding with positive feedback was not met.

### PUBLIC PERCEPTION OF BC LAWYERS (SURVEY RESULTS)



## PRACTICE ADVICE

**GOAL:** To deliver high quality advice and information to lawyers on matters of practice and ethics in a responsive and timely fashion.

### Equity Ombudsperson

The Law Society provides BC law firms with the services of [Equity Ombudsperson](#), Anne Bhanu Chopra.

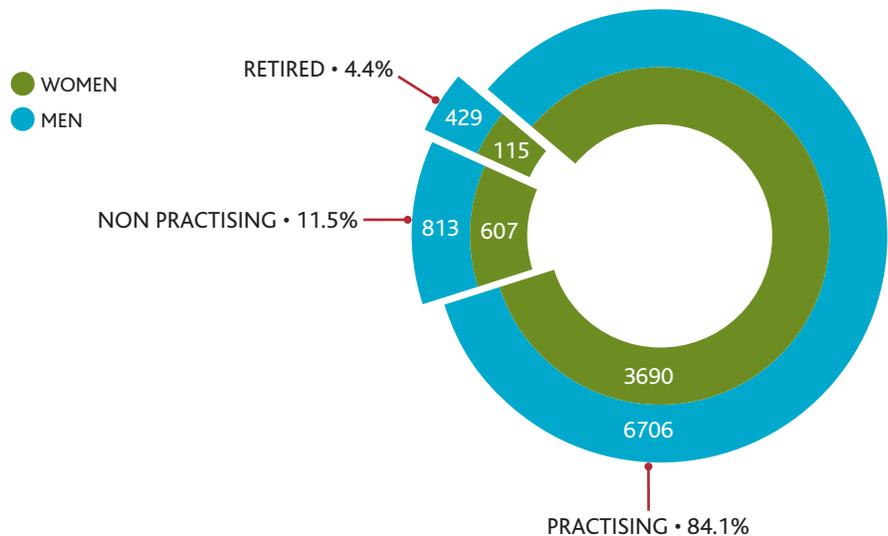
Lawyers, articled students or staff who may be experiencing harassment or inequity in a legal workplace may contact the Equity Ombudsperson for confidential and non-judgmental support. The Equity Ombudsperson also helps law firms prevent discrimination, resolve concerns over possible discrimination, and promote a healthy work environment.

The Practice Advice program helps lawyers serve the public effectively by providing advice and assistance on ethical, practice and office management issues. Lawyers have access to online [Practice Resources](#) and the Law Society's [Practice Advisors](#) for confidential guidance. Our advisors also regularly speak and write on current topics related to ethics, practice and practice management.

### 2010 Results

- The three Practice Advisors, and occasionally other staff lawyers, handled a total of 6,291 telephone and email inquiries in 2010. This represented a slight increase compared to the 6,122 inquiries in 2009.
- In response to a survey of lawyers assessing the effectiveness of the Practice Advice program, 91% of lawyers rated the timeliness and quality of the advice a three or higher on a five-point scale, exceeding the performance target of 90%.
- Eighty-nine per cent were satisfied overall with the program and with the quality of the resources to which they were referred, just slightly below the 90% objective.

### STATUS OF LAWYERS REGISTERED WITH THE LAW SOCIETY



## CUSTODIANSHIPS

**GOAL:** To provide cost-effective custodianships by reducing the use of private lawyers and standardizing and centralizing procedures and administrative services.

### BC LAWYERS WORKING PRO BONO

According to Access Pro Bono Society of BC, our province has the highest percentage of lawyers working pro bono, or donating their legal experience, in Canada.

The Law Foundation of BC reports that in 2010:

961 lawyers provided free legal advice.

248 law students volunteered their time to help the public with legal problems.

9,626 clients throughout BC received pro bono legal services.

When a lawyer cannot continue his or her practice due to illness, death or disciplinary action, the Law Society may apply to the court to have a custodian appointed. [Custodianships](#) allow the handling of urgent matters on behalf of the lawyer's clients, ensure that trust funds are properly accounted for and disbursed, and help clients find a suitable new lawyer.

In BC, only 13% of sole practitioners indicated on their trust reports that they have designated a lawyer who will wind up their practices in the event of death or disability. The Law Society provides sample documents on its website that lawyers may use to develop their succession plans, and will be running a campaign in 2011 to encourage more lawyers who practise in solo or small firm environments to plan for the future.

### 2010 Results

- The Law Society was appointed as in-house custodian for 13 law practices and also coordinated locum placements to eliminate the need for another 14 custodianships.
- There were 40 active custodianships at year end compared with 39 at the end of 2009.
- Factoring in the use of locums to manage practices in place of custodianships, the average cost of custodianships was reduced to \$99,800 compared with \$139,000 in 2009.
- The duration of custodianships due to death or disability issues was reduced from a historical average of 24 months to 14 months.
- The duration of custodianships arising from disciplinary action decreased from a historical average of 48 months to 16 months.

## TRUST ASSURANCE

**GOAL:** To ensure all law firms scrupulously follow the rules for the proper receipt and handling of trust funds.

### LAWYER FUNDING OF THE LAW FOUNDATION

A portion of the fees paid by lawyers to the Law Society go to the Law Foundation of BC to support pro bono, or free, legal services for those in need. In 2010, the Society contributed about \$130,000, nearly one-quarter of the funding the Foundation provided to pro bono organizations.

The [Trust Assurance program](#) ensures that law firms comply with the Law Society's rules regarding proper handling of clients' trust funds and trust accounting records. The program's objective is to improve compliance through annual trust report filings, in-field compliance audits at least once every six years for all BC law firms holding trust funds, and the provision of trust accounting information and educational resources to lawyers.

### 2010 Results

- 3,289 trust reports were reviewed, compared to 3,260 in 2009.
- Approximately 1,600 compliance audits have been performed since the start of the Trust Assurance program in 2006.
- Referrals to Professional Conduct increased to 49 lawyers in 2010, compared with 29 in 2009 and 49 in 2008.
- The goal to reduce the number of financial suspensions issued by the Trust Assurance program was not met, however, the number remains low at only five suspensions, compared to four suspensions in 2009.
- Based on the last completed trust reporting year, the number of lawyers filing a trust report increased slightly from 91% to 92%. The remaining lawyers were required to file an accountant's report.

## POLICY AND LEGAL SERVICES

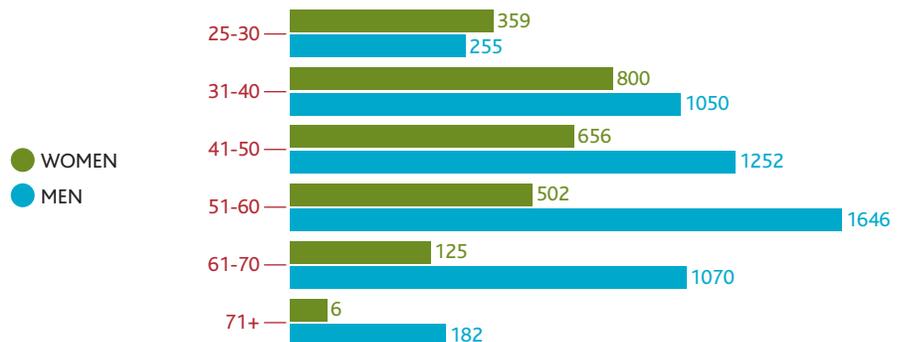
**GOAL:** To provide timely, relevant and balanced information, analysis and advice to the Benchers, committees, task forces and tribunals.

The Law Society develops policy on matters of concern or interest to the Society and the public and ensures the Benchers have sufficient information to keep abreast of key issues and make informed policy decisions. This includes conducting legal research and monitoring developments involving regulation of the legal profession, independence of the Bar and the judiciary, [access to justice](#), and [equity and diversity](#) in the legal profession.

### 2010 Results

- Ninety-five per cent of the policy decisions made by the Benchers were made on the basis of information provided by Law Society policy staff.
- The results of a survey of Benchers indicate targets were met in supplying adequate, relevant and timely information to support policy decision-making.
- Staff assisted the Equity and Diversity Advisory Committee with planning and delivering the Aboriginal leadership event in June 2010.

### AGE DEMOGRAPHIC OF BC LAWYERS



## TRIBUNALS AND LEGISLATION

**GOAL:** To contribute to sound hearing panel and tribunal decisions by ensuring Benchers have adequate administrative and legal support in their role as adjudicators.

Law Society staff support the work of discipline and credential hearing panels and decision review tribunals, draft new rules and proposed amendments to the *Legal Profession Act*, and ensure the Society's compliance with information and privacy legislation.

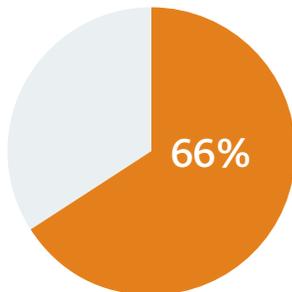
The Law Society evaluates the thoroughness of its hearing decision process by noting how many requests for reviews are made and the outcome of those reviews. The Benchers hold a review hearing and, if they decide that the original hearing panel was not correct in its decision, they may substitute their own. Given the complexity of the decisions hearing panels must make, it is reasonable to expect that reviews will result in some decisions of a hearing panel being reversed.

Individuals also have a right of appeal to the BC Court of Appeal.

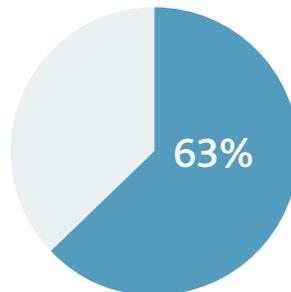
### 2010 Results

- Out of 31 [discipline and credential hearing decisions](#), three were appealed and reversed on review.

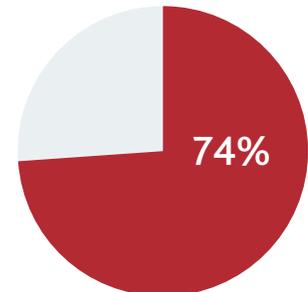
## PUBLIC PERCEPTION OF THE LAW SOCIETY (SURVEY RESULTS)



*Respondents saying they were somewhat or very confident in the Law Society's handling of complaints about lawyers in a fair manner.*



*Respondents expressing that they were somewhat or very confident in the Law Society's ability to discipline lawyers who are in violation of standards and practices.*



*Respondents saying they were somewhat or very confident in the Law Society's ability to ensure that the public is served by a highly competent legal profession.*

## LAWYERS INSURANCE FUND

**GOAL:** To ensure clients are reasonably compensated if a lawyer is negligent or misappropriates trust funds.

The [Lawyers Insurance Fund](#) provides professional liability and misappropriation insurance for all BC lawyers in private practice. This ensures that the public is reasonably compensated if a lawyer has been negligent or if a financial loss is suffered as a result of theft by a BC lawyer.

The Lawyers Insurance Fund policy provides broad coverage for the protection of clients and lawyers.

### 2010 Results

- The limits for negligence and theft and the lawyer deductible are comparable to those of the 13 other Canadian law societies. However, the Lawyers Insurance Fund policy also covers the risk of theft claims, unlike other law societies that charge a separate fee for this, making the overall cost of coverage very affordable.
- The Lawyers Insurance Fund met its goal of providing policy limits, insurance coverage and deductibles comparable to other similar programs in Canada.
- All meritorious insurance claims were settled with the consent of the claimant or paid after judgment, and no claimant sued the Lawyers Insurance Fund directly for compensation for an unrecovered loss.
- Ninety-seven per cent of the lawyers represented by the Lawyers Insurance Fund gave the program high marks of four or five on a five-point scale, well exceeding the key performance target of 80%.

## LEGAL AREAS OF PRACTICE IN BC





**First, left to right:**

Satwinder Bains (*Appointed Bencher*)  
 The Honourable Michael de Jong, QC  
 Attorney General of BC  
*First Vice-President*  
 Gavin Hume, QC (Vancouver County)  
*President*  
 G. Glen Ridgway, QC (Nanaimo County)  
*Second Vice-President*  
 Bruce A. LeRose, QC (Kootenay County)  
 Arthur E. Vertlieb, QC (Vancouver County)  
*CEO*  
 Timothy E. McGee

**Not pictured:**

Joost Blom, QC (Vancouver County)  
 Carol W. Hickman, QC (Westminster County)  
 Nancy G. Merrill (Nanaimo County)

**Second, left to right:**

Richard N. Stewart, QC (Victoria County)  
 C.E. Lee Ongman (Cariboo County)  
 Suzette Narbonne (Prince Rupert County)  
 Catherine A. Sas, QC (Vancouver County)  
 David M. Renwick, QC (Westminster County)  
 Patricia Bond (Vancouver County)  
 Leon Getz, QC (Vancouver County)  
 Thelma O'Grady (Vancouver County)  
 David W. Mossop, QC (Vancouver County)  
 Rita C. Andreone (Vancouver County)  
 Haydn Acheson (Appointed Bencher)  
 Alan M. Ross (Vancouver County)

**Third, left to right:**

Kenneth M. Walker (Kamloops District)  
 Stacy Kuiack (Appointed Bencher)  
 Benjimen Meisner (Appointed Bencher)  
 E. David Crossin, QC (Vancouver County)  
 Jan Lindsay, QC (Westminster County)  
 Herman Van Ommen (Vancouver County)  
 Claude H. Richmond (Appointed Bencher)  
 Peter B. Lloyd (Appointed Bencher)  
 Kathryn Berge, QC (Victoria County)  
 Robert C. Brun, QC (Vancouver County)  
 Gregory A. Petrisor (Cariboo County)  
 Tom Fellhauer (Okanagan District)

## APPOINTED BENCHERS



*Haydn Acheson, a retired airline captain, is President of Harmony Airways and an executive with DTK HO Enterprises Ltd.*



*Satwinder Bains is the Director of the Centre for Indo-Canadian Studies at the University of the Fraser Valley and an instructor in the India-Canada Studies program.*



*Stacy Kuiack is a corporate finance consultant and an Executive in Residence with the University of Victoria Faculty of Business.*



*Peter B. Lloyd retired as an office managing partner with Grant Thornton, a Canadian accounting and advisory firm.*



*Benjimen Meisner has over 50 years of experience in the media working as a news reporter, writer and talk show host.*



*Claude H. Richmond is the former Member of the Legislative Assembly for the Kamloops riding and Speaker of the Legislative Assembly.*

The six Appointed Benchers are non-lawyers appointed by the provincial government to represent the public on the Law Society's board of governors.

Bringing a non-lawyer's perspective to the regulation of the legal profession, Appointed Benchers ensure that the public interest is always paramount. Appointed Benchers have the same opportunities as elected Benchers to participate in policy debates, disciplinary hearings and all committees.

The Appointed Benchers have submitted the following statement in review of the Law Society's 2010 operations:

"Appointed Benchers bring to the Law Society the perspective of the general public, along with considerable professional expertise, and serve to ensure the public interest is always its primary consideration. In our view, the Law Society takes its legislative and regulatory responsibilities very seriously and carries out its mandate with the utmost care and thought in respect to regulating lawyers in the Province of BC. The dedication of the Benchers is inspiring and in 2010, the Law Society made major strides in educating the public about legal issues and the regulation of lawyers."

Life Benchers have either served four two-year terms or served as president of the Law Society.

Arthur M. Harper, QC (1959-1969)  
 The Honourable Charles C. Locke, QC (1961-1973)  
 The Honourable A. Brian B. Carrothers, QC (1963-1973)  
 The Honourable Kenneth E. Meredith (1964-1973)  
 The Honourable Peter J. Millward, QC (1965-1975)  
 The Honourable Mary F. Southin, QC (1971-1980)  
 Norman Severide, QC (1975-1981)  
 H. Allan Hope, QC (1974-1982)  
 Brian W.F. McLoughlin, QC (1974-1984)  
 The Honourable Thomas R. Braidwood, QC (1973-1975; 1979-1985)  
 The Honourable Jack L.T. Edwards, QC (1978-1985)  
 The Honourable Mr. Justice Bruce I. Cohen (1978-1986)  
 Marvin R.V. Storrow, QC (1980-1987)  
 Dennis J. Mitchell, QC (1980-1988)  
 R. Paul Beckmann, QC (1980-1989)  
 Robert M. Dick, QC (1983-1991)  
 The Honourable Mr. Justice Peter Leask (1984-1992)  
 Brian J. Wallace, QC (1985-1993)  
 John M. Hogg, QC (1984-1993)  
 P. Michael Bolton, QC (1985-1993)  
 The Honourable Mr. Justice Robert T.C. Johnston (1986-1994)  
 The Honourable Mr. Justice Grant D. Burnyeat (1988-1995)  
 Donald A. Silversides, QC (1984-1995)  
 Gary L.F. Somers, QC (1984-1995)  
 James M. MacIntyre, QC (1986-1995)  
 Cecil O.D. Branson, QC (1988-1995)  
 Alan E. Vanderburgh, QC (1989-1995)  
 Karen F. Nordlinger, QC (1988-1996)  
 Benjamin B. Trevino, QC (1991-1997)  
 Richard C.C. Peck, QC (1988-1997)  
 Leonard T. Doust, QC (1990-1997)  
 William M. Trotter, QC (1990-1997)  
 Trudi L. Brown, QC (1992-1998)  
 Warren T. Wilson, QC (1991-1999)  
 The Honourable Ujjal Dosanjh, QC (1995-2000)  
 Karl F. Warner, QC (1994-2000)  
 Richard S. Margetts, QC (1995-2001)  
 Gerald J. Lecovin, QC (1994-2001)  
 Emily M. Reid, QC (1994-2001)  
 Jane S. Shackell, QC (1994-2001)  
 Ann Howard (1992-2002)  
 Marjorie Martin, MSW (1992-2002)  
 Richard C. Gibbs, QC (1996-2002)  
 Howard R. Berge, QC (1992-2003)  
 Russell S. Tretiak, QC (1992-2003)  
 Robert D. Diebolt, QC (1996-2003)  
 G. Ronald Toews, QC (1996-2003)  
 Gerald J. Kambeitz, QC (1996-2003)  
 William J. Sullivan, QC (1997-2003)  
 Master Peter J. Keighley (1996-2004)  
 William M. Everett, QC (1998-2004)  
 Ralston S. Alexander, QC (1999-2005)  
 Patricia L. Schmit, QC (1998-2005)  
 Ross D. Tunnicliffe (1998-1999; 2000-2005)  
 Robert W. McDiarmid, QC (1998-2006)  
 Anna K. Fung, QC (1998-2007)  
 Ian Donaldson, QC (2000-2007)  
 June Preston, MSW (2001-2008)  
 John J.L. Hunter, QC (2002-2008)  
 Gordon Turriff, QC (2002-2009)  
 Terence E. La Liberté, QC (2000-2001, 2004-2009)  
 James D. Vilvang, QC (2002-2009)  
 David A. Zacks, QC (2002-2009)  
 William F.M. Jackson, QC (2003-2009)  
 Patrick Kelly (2002-2010)  
 Dr. Maelor Vallance (2002-2010)

## Committees

### Executive

#### Benches:

Glen Ridgway, QC (*Chair*)  
Gavin Hume, QC (*Vice-Chair*)  
Carol Hickman, QC  
Bruce LeRose, QC  
Jan Lindsay, QC  
Peter Lloyd, FCA  
Art Vertlieb, QC

### Audit

#### Benches:

Rita Andreone (*Chair*)  
Peter Lloyd, FCA (*Vice-Chair*)

#### Non-Benches:

Paul Albi, QC  
William G. MacLeod  
Phillip Marshall

### Complainants' Review

#### Benches:

Dr. Maelor Vallance (*Chair, Life Bencher*)  
Satwinder Bains (*Vice-Chair*)  
Barbara Levesque  
Lee Ongman  
Kenneth Walker

#### Non-Benches:

Pinder Cheema, QC  
Peter Gorgopa

### Credentials

#### Benches:

Carol Hickman, QC (*Chair*)  
Bruce LeRose, QC (*Vice-Chair*)  
Satwinder Bains  
Barbara Levesque  
Benjimen Meisner  
Thelma O'Grady  
Lee Ongman  
Gregory Petrisor  
David Renwick, QC  
Dr. Maelor Vallance  
Kenneth Walker

#### Non-Benches:

Patsy Scheer  
Angela Westmacott

### Discipline

#### Benches:

Art Vertlieb, QC (*Chair*)  
Richard Stewart, QC (*Vice-Chair*)  
Kathryn Berge, QC  
Tom Fellhauer  
Patrick Kelly  
Stacy Kuiack  
Jan Lindsay, QC  
Suzette Narbonne  
Claude Richmond  
Herman Van Ommen

#### Non-Benches:

Jennifer Duncan  
Craig Ferris

### Ethics

#### Benches:

Gavin Hume, QC (*Chair*)  
Joost Blom, QC (*Vice-Chair*)  
Patricia Bond  
David Crossin, QC  
Leon Getz, QC  
David Mossop, QC,  
Terence La Liberté, QC (*Life Bencher*)

#### Non-Benches:

Christine Elliott  
Peter Ramsay, QC  
Anne Stewart, QC  
Bruce Woolley, QC

### Finance

#### Benches:

Gavin Hume, QC (*Chair*)  
Bruce LeRose, QC (*Vice-Chair*)  
Rita Andreone  
Kathryn Berge, QC  
Stacy Kuiack  
David Renwick, QC

### Practice Standards

#### Benches:

Rita Andreone (*Chair*)  
Robert Brun, QC (*Vice-Chair*)  
Haydn Acheson  
Peter Lloyd, FCA  
Alan Ross  
Catherine Sas, QC

#### Non-Benches:

Valli Chettiar  
Jennifer Johnston  
Christopher McEwan  
Charlotte Morganti  
Mark Skwarok  
Janet Winteringham, QC

### Special Compensation Fund

#### Benches:

David Renwick, QC (*Chair*)  
Richard Stewart, QC (*Vice-Chair*)  
Patrick Kelly  
Bruce LeRose, QC  
Benjimen Meisner  
Patricia Schmit, QC (*Life Bencher*)

#### Non-Benches:

Azim Dato, QC  
Peter Ramsay, QC

### Unauthorized Practice Committee

#### Benches:

Stacy Kuiack (*Chair*)  
Robert Brun, QC (*Vice-Chair*)  
Lee Ongman  
Gregory Petrisor  
Alan Ross

#### Non-Benches:

Roderick Henderson  
Ken Kramer  
Joseph Zak

## Subcommittees

### Act and Rules

#### Benches:

Leon Getz, QC (*Chair*)  
Rita Andreone  
Kathryn Berge, QC  
Kenneth Walker

### Appointments

#### Benches:

Glen Ridgway, QC (*Chair*)  
Gavin Hume, QC  
Bruce LeRose, QC

### Litigation

#### Benches:

Glen Ridgway, QC (*Chair*)  
Gavin Hume, QC  
Bruce LeRose, QC

## Advisory Committees

### Access to Legal Services

#### Benches:

David Mossop, QC (*Chair*)  
Patricia Bond  
David Crossin, QC  
Tom Fellhauer  
Suzette Narbonne  
William Jackson, QC (*Life Bencher*)

#### Non-Benches:

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Brenda Edwards  
Stan Lanyon, QC  
Dr. Carol Matusicky  
Marina Pratchett, QC  
Wayne Robertson, QC

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#### Benches:

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Barbara Levesque (*Vice-Chair*)  
Thelma O'Grady  
Catherine Sas, QC  
Patrick Kelly (*Life Bencher*)  
June Preston, MSW (*Life Bencher*)

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Elizabeth Hunt  
Lila Quastel  
Karen Whonnock

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#### Benches:

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Gordon Turriff, QC (*Vice-Chair, Life Bencher*)  
Haydn Acheson  
Claude Richmond  
Herman Van Ommen

#### Non-Benches:

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Prof. Hamar Foster, QC  
J. Cameron Mowatt

### Lawyer Education

#### Benches:

Thelma O'Grady (*Chair*)  
Joost Blom, QC (*Vice-Chair*)  
Tom Fellhauer  
Benjimen Meisner  
Catherine Sas, QC  
Richard Stewart, QC  
Patricia Schmit, QC (*Life Bencher*)  
James Vilvang, QC (*Life Bencher*)

#### Non-Benches:

Johanne Blenkin  
Jim Herperger  
Linda Robertson

## Task Forces

### Adjudication/Prosecution

#### Benches:

Kenneth Walker (*Chair*)  
Haydn Acheson  
David Crossin, QC  
Ralston Alexander, QC (*Life Bencher*)

### Alternative Dispute Resolution

#### Benches:

Ralston Alexander, QC (*Chair, Life Bencher*)  
John Hunter, QC (*Life Bencher*)

#### Non-Benches:

Stanley Lanyon, QC  
Jerry McHale, QC

### Delivery of Legal Services

#### Benches:

Art Vertlieb, QC (*Chair*)  
Haydn Acheson  
Carol Hickman, QC  
Gavin Hume, QC  
Bruce LeRose, QC  
David Mossop, QC  
Gregory Petrisor  
William Jackson, QC (*Life Bencher*)  
James Vilvang, QC (*Life Bencher*)

#### Non-Bencher:

Stanley Lanyon, QC

### Discipline Guidelines

#### Benches:

Herman Van Ommen (*Chair*)  
Stacy Kuiack  
Anna Fung, QC (*Life Bencher*)  
John Hunter, QC (*Life Bencher*)

### Family Law

#### Benches:

Carol Hickman, QC (*Chair*)  
Kathryn Berge, QC  
Patricia Bond  
Richard Stewart, QC  
Patricia Schmit, QC (*Life Bencher*)  
Dr. Maelor Vallance (*Life Bencher*)



**The Law Society**  
*of British Columbia*



845 Cambie Street, Vancouver, British Columbia, Canada V6B 4Z9

Telephone 604-669-2533 | Facsimile 604-669-5232

Toll-free within BC 1-800-903-5300 | TTY 604-443-5700

[lawsociety.bc.ca](http://lawsociety.bc.ca)