

THE LAW SOCIETY OF BRITISH COLUMBIA



2011 Report on Performance

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

## PRESIDENT'S MESSAGE

I am very pleased to report that the Law Society of BC is keeping pace with or, in many cases, is ahead of other legal regulators around the world. As an example, during my attendance at the International Bar Association's 2011 Annual Conference in Dubai in November, the Law Society was mentioned more than once for leading edge work.

Many of our accomplishments that led to this international recognition can be directly attributed to our strategic planning. By the end of 2011, the Law Society had completed or commenced over 95 per cent of the initiatives in our 2009-2011 Strategic Plan, a testament to the dedication of the Benchers, committees, task forces and staff to the Society's mandate.

The Law Society's three-year plan set out three goals: 1) Enhance access to legal services, 2) Enhance public confidence in the legal profession through effective regulation, and 3) Provide effective education of the profession and the public.

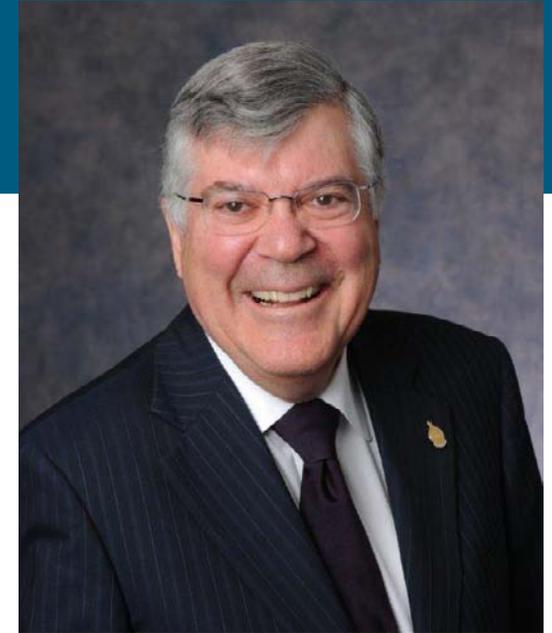
Of particular ongoing focus in 2011 was access to legal services. We implemented new rules that allow articled students to provide certain legal services to the public under the supervision of a lawyer, and we are now working to expand the roles for paralegals.

The Law Society, together with the Canadian Bar Association and others, supported the work of the Public Commission on Legal Aid, which earlier this year released a report that has been an important part of the access dialogue.

The new national model code of conduct was developed by a series of committees well represented by BC lawyers, including me, and coordinated by the Federation of Law Societies. With the majority of the code now approved and the remainder soon to be finalized, the code will increase the ease with which lawyers can move to and practise in other provinces.

The Law Society partnered with the Canadian Bar Association to sustain the REAL (Rural Education and Access to Lawyers) program for another two years. This initiative is designed to attract new lawyers to rural BC communities, many of which either already have a shortage of lawyers or are projected to in the coming years.

*continued...*



By the end of 2011, the Law Society had completed or commenced over 95 per cent of the initiatives in our 2009-2011 Strategic Plan.

## PRESIDENT'S MESSAGE ...continued

In 2011, we also made some significant improvements to our regulatory effectiveness.

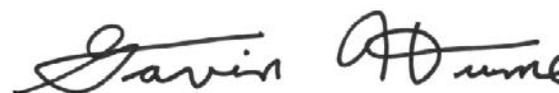
Lawyers and the public were invited to participate on our discipline and credentials hearing panels to make our regulatory processes more transparent and reflective of the public interest. In response to our invitation, over 130 lawyers and 600 members of the public submitted applications and by the end of the year we had added 26 lawyers and 21 public representatives to our hearing panel pools. Each hearing panel is now comprised of a Bencher, a non-Bencher lawyer and a member of the public.

Additionally, new guidelines were adopted to assist the Discipline Committee in making appropriate and consistent decisions about professional conduct matters that come before them.

The Benchers approved a new strategic plan for 2012-2014. The new plan will continue to focus on improving access to justice and enhancing public confidence in lawyers. It will also call for regulatory innovation as the legal profession continues to evolve in a rapidly changing world characterized by technology and growing expectations.

This has been a rewarding, fulfilling and incredibly busy year. I want to thank my fellow Benchers and our other volunteers for their admirable commitment to this organization. I also want to extend my gratitude and best wishes to my first vice-president and successor, Bruce LeRose, QC. I know that Bruce will aptly represent the Law Society locally, nationally and internationally and will successfully lead this organization on its strategic course during his term.

I want to commend the staff of the Law Society, under the leadership of Tim McGee. The public and lawyers are well served by the staff of this organization who are dedicated to the highest standard of professional regulation and support of the legal profession.



Gavin Hume, QC  
President

## STRATEGIC PLAN PROGRESS

The Law Society's strategic planning process enables the Benchers to focus on policy development that is directly aligned with our primary responsibility, under the *Legal Profession Act*, to protect the public interest in the administration of justice:

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

The goals of the 2009-2011 strategic plan were:

1. Enhance access to legal services.
2. Enhance public confidence in the legal profession through appropriate and effective regulation.
3. Effective education, both of legal professionals and those wishing to become legal professionals, and of the public.

The Law Society completed or initiated almost all of the related strategies in its first three-year plan. Following are highlights of our progress in 2011 which led to the successful advancement of initiatives and policies in the public interest.

### NEW THREE-YEAR PLAN DEFINES GOALS FOR 2012-2014

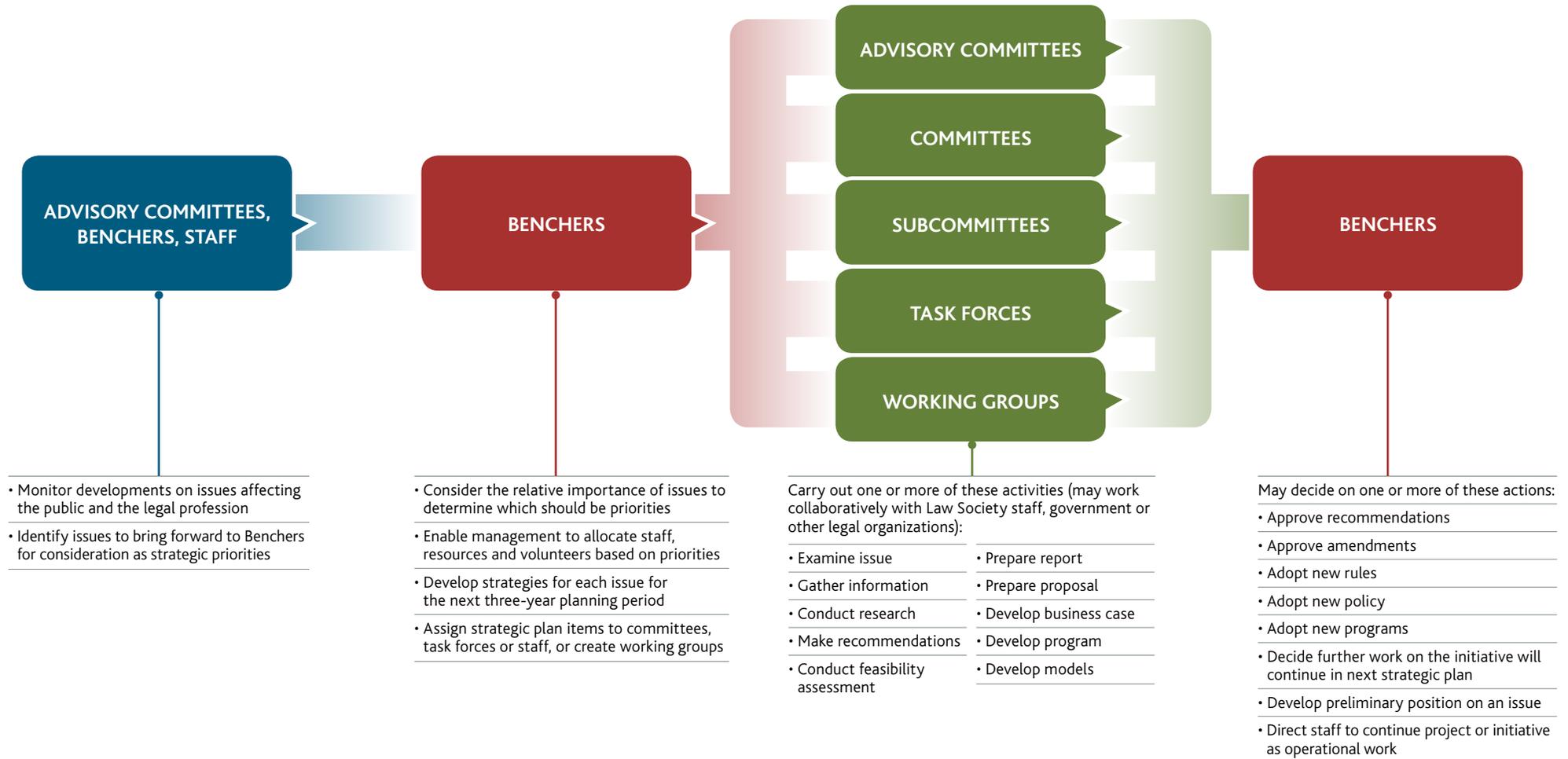
1. The Law Society will be a more innovative and effective professional regulatory body.
2. The public will have better access to legal services.
3. The public will have greater confidence in the administration of justice and the rule of law.



More information:  
[2012-2014 Law Society Strategic Plan](#)

## STRATEGIC PLANNING PROCESS

The Law Society’s strategic planning process establishes priorities for the Benchers and sets the policy direction for the Law Society.



## STRATEGIC PLAN PROGRESS

## Strategic Goal 1: Access to Legal Services

**New rules expand role of articulated students**

Rule changes were approved to increase the legal services an articulated student can provide under the supervision of a lawyer. These changes are part of ongoing efforts by the Law Society to help make legal services more accessible and affordable for the public through effectively trained and supervised articulated students.

**Progress made on more court-related roles for paralegals and articulated students**

Steps were taken toward increasing the court-related services paralegals and articulated students can provide under the supervision of a lawyer. The Law Society is consulting with the courts to examine the challenges and opportunities related to these expanded roles to help make legal services more affordable to low and middle-income earners.

**Alternate business structures considered for the legal profession**

A comprehensive report was developed, analyzing business structures for delivering legal services different from the sole proprietorship or partnership models generally used today. It was determined that the benefit to the public is speculative and that further monitoring of alternate business structures in the UK, Australia and the US is required.

**Justicia program approved to support women lawyers in BC**

The Law Society will bring Justicia to BC, a program to retain and advance women lawyers pioneered by the Law Society of Upper Canada. The public is best served by a more inclusive and representative profession and Justicia enables law firms to pledge their support to helping women lawyers remain in practice. An implementation plan for Justicia will be developed in 2012.



*President Gavin Hume, QC conducted media interviews about the state of access to the justice system in BC and the Law Society's work to improve access to legal services, such as expanding the role of articulated students.*

**Mentoring project in development to retain more Indigenous lawyers**

With a grant from the Law Foundation, the Law Society is developing a collaborative mentoring program for Indigenous lawyers. This mentoring initiative will help improve the retention of Indigenous lawyers in BC, increase diversity within the legal profession and enhance access to legal services for Indigenous peoples.

## STRATEGIC PLAN PROGRESS

## Strategic Goal 2: Public confidence in the legal profession

### Lawyers and members of the public appointed to hearing panel pools

The Law Society appointed members of the public to sit on hearing panels that discipline lawyers and examine the credentials of a person applying to be a lawyer. Lawyers who are not Benchers were also selected to participate on hearing panels. The purpose of expanding the hearing panels was to create greater public confidence in the hearing process.

### Independent review of Law Society's regulatory functions explored

The Law Society took the proactive step of exploring models for an independent review of its regulatory functions that will increase transparency and public confidence. The Society will also enhance its communications with the public about the important role played by the Office of the BC Ombudsperson in reviewing our handling of complaints against lawyers.

### Changes sought to the *Legal Profession Act*

The Law Society is working closely with the Attorney General's ministry to facilitate proposed changes to the *Legal Profession Act*. These changes are sought in response to increasing public expectation of the need for effective and transparent self-regulation and, if enacted, they will enhance the Law Society's regulatory capabilities.

### Greater lawyer mobility between Quebec and BC

Mobility rights have now been extended to notaries in Quebec under the Federation of Law Societies' Quebec Mobility Agreement. This completes a previous reciprocal agreement that facilitates lawyer mobility between Quebec and other Canadian law societies. The nature of Quebec's notarial profession is unique in that it is equivalent to that practised by solicitors.



*The Law Society organized training sessions for members of the new hearing panel pools. This is the first time that public representatives and lawyers who are not Law Society governors will sit on influential hearing panels.*

### New guidelines adopted for Discipline Committee

New guidelines are now being used by the Discipline Committee to assist in professional conduct matters and the decision to either issue a citation or impose some alternative disciplinary action. These guidelines strengthen the Law Society's efforts to regulate the profession in the public interest by ensuring that appropriate and consistent decisions are made.

## STRATEGIC PLAN PROGRESS

**Strategic Goal 3: Effective education of the profession and the public****Greater focus placed on public education**

The Law Society continues to find ways to offer and provide information and education about our role, the rule of law and the independence of the legal profession. A new website was launched in 2011 that prioritizes the information needs of the public. The Law Society is also planning other opportunities for education, such as a speakers' bureau.

**OTHER STRATEGIES****New Code of Professional Conduct for BC**

After consulting with the legal profession, revised ethical conduct guidelines have been approved that will form the new Code of Professional Conduct for BC. The new code is based on the model code developed by the Federation of Law Societies of Canada and will replace the *Professional Conduct Handbook* in January 2013.

**Canadian Common Law Degree**

The Federation of Law Societies of Canada's Common Law Degree Committee developed a proposal to implement the uniform national requirement for entry to law society admission programs in Canadian jurisdictions. This collaborative national initiative is vital to furthering a commitment to a legal profession that is learned, competent and dedicated to the public interest.

**Cloud computing report**

A report on cloud computing, the use of third-party service providers for electronic data storage and processing that is accessed remotely over a network, was published and received widespread recognition for being among the first of such reports for the legal profession. The report recommends steps the Law Society needs to take to ensure its regulatory processes keep pace with technological developments and contains guidance to help lawyers meet their professional obligations when using third-party data storage and processing.

## 2011 BENCHERS



The Benchers are responsible for the Law Society Rules, the *Professional Conduct Handbook* and governance policies and also govern and oversee the operations of the Society. 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 officer of the Law Society and serves a one-year term.

**First, left to right:**

Jan Lindsay, QC  
(Westminster County)

FIRST VICE-PRESIDENT  
Bruce A. LeRose, QC  
(Kootenay County)

PRESIDENT  
Gavin Hume, QC  
(Vancouver County)

SECOND VICE-PRESIDENT  
Arthur E. Vertlieb, QC  
(Vancouver County)

CEO Timothy E. McGee

**Not pictured:**

Richard N. Stewart, QC  
(Victoria County)

**Second, left to right:**

Suzette Narbonne  
(Prince Rupert County)

David W. Mossop, QC  
(Vancouver County)

Catherine A. Sas, QC  
(Vancouver County)

Nancy G. Merrill  
(Nanaimo County)

Patricia Bond  
(Vancouver County)

Peter B. Lloyd, FCA  
(Appointed Bencher)

Satwinder Bains  
(Appointed Bencher)

David M. Renwick, QC  
(Westminster County)

Thelma O'Grady  
(Vancouver County)

Rita C. Andreone, QC  
(Vancouver County)

Leon Getz, QC  
(Vancouver County)

C.E. Lee Ongman  
(Cariboo County)

**Third, left to right:**

Stacy Kuiack  
(Appointed Bencher)

Kenneth M. Walker  
(Kamloops District)

Robert C. Brun, QC  
(Vancouver County)

Kathryn Berge, QC  
(Victoria County)

Benjimen Meisner  
(Appointed Bencher)

Gregory A. Petrisor  
(Cariboo County)

Tom Fellhauer  
(Okanagan District)

Joost Blom, QC  
(Vancouver County)

Alan M. Ross  
(Vancouver County)

Claude Richmond  
(Appointed Bencher)

Haydn Acheson  
(Appointed Bencher)

Herman Van Ommen  
(Vancouver County)

E. David Crossin, QC  
(Vancouver County)

Carol W. Hickman, QC  
(Westminster County)

## APPOINTED BENCHERS

The six Appointed Benchers are members of the public who are not lawyers, appointed by the provincial government to represent the public on the Law Society's board of governors.

Bringing a public perspective to the regulation of BC's legal profession, Appointed Benchers ensure that the public interest remains at the forefront. Appointed Benchers have full opportunity to participate in policy debates, discipline and credentials hearings and all committees.

Of the Law Society's 2011 operations, the Appointed Benchers have said:

*"The Appointed Benchers have great confidence in the Law Society's ability to protect the public interest in all manner of policy and operations. At Benchers and committee meetings and in the course of discussion, debate and decision-making, the public interest is always considered. Appointed Benchers witness first-hand that much effort is taken to ensure the regulation process is just, fair, open and transparent."*

*The Law Society took the initiative in 2011 to include non-Bencher lawyers and public participants in its hearing panel pools to ensure that decisions regarding fitness of applicants and allegations of lawyer misconduct are always arrived at by panels not unduly influenced by "insiders," or even having that appearance. In our view, these new hearing panel pools demonstrate the Law Society's determination to exemplify the 'gold standard' of regulatory bodies."*



### Front, left to right:

**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.

### Back, left to right:

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

**Haydn Acheson**, a retired airline captain, is President and General Manager of Coast Mountain Bus Company.

**Satwinder Bains** is a Professor at the University of the Fraser Valley and the Director of the Centre for Indo-Canadian Studies.

**Stacy Kuiack** is a corporate finance consultant and an Executive in Residence with the Peter B. Gustavson School of Business at the University of Victoria.

## CHIEF EXECUTIVE OFFICER'S MESSAGE

In addition to the success achieved under the Strategic Plan in 2011, the Law Society accomplished much at the operating level of the organization, including meeting or exceeding virtually all of our key performance measures.

The Law Society reorganized its professional conduct group to speed processes and improve overall effectiveness. Now, a specialized intake unit assesses initial complaints and gathers key documents while a complex files unit handles more complicated matters from start to finish. These changes have reduced complaint resolution times and improved the effectiveness of our investigation and disciplinary processes.

To inform lawyers about conduct that can result in complaints and discipline, we developed our electronic Discipline Alert program and began publishing summaries of conduct reviews.

We also launched a campaign to encourage sole practitioners to take the critical step of arranging for a winding up caretaker to fulfill their obligation to their clients by ensuring continuity of service.

Since launching our Continuing Professional Development program, which requires all practising lawyers in the province to complete at least 12 hours of professional development annually, we have seen a steady improvement in the rate of compliance. In 2011, 93 per cent of lawyers had completed the requirements by the deadline.

In addition, as part of our comprehensive trust assurance program, we completed over 450 audits of lawyers' trust accounts, which helps us ensure the public's money is well protected and provides us an opportunity to assist lawyers with maintaining efficient trust accounting systems.

Online and web-based communications are increasingly important for regulators as we seek to be more transparent and connect with stakeholders. With that in mind, the Law Society launched a new website in 2011, focused on providing lawyers, the public and media with useful and easy-to-find information about our operations and regulatory activities.

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## CHIEF EXECUTIVE OFFICER'S MESSAGE ...continued

Recognizing that information is at the heart of what we do as regulators, we are proceeding with a key recommendation of our core process review and implementing a comprehensive electronic information management system to modernize how we compile, store and share the vast quantities of information we manage every day.

The Law Society believes the public is best served by a representative and inclusive legal profession. We took two important steps in 2011 in pursuit of that vision. We began development of a collaborative mentoring program to support Indigenous lawyers and announced the launch of the Justicia program in BC, which is aimed at retaining and advancing women lawyers.

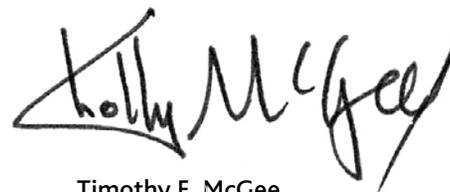
All of our strategic and operational activities were successfully carried out because of the hard work of many people. In particular, I would like to salute Law Society employees who strive to improve our capability to be an effective, efficient regulator in the public interest.

I would like to extend our appreciation to more than 300 people from the legal community who volunteered their time and expertise to the Law Society in 2011 as members of committees or task forces, guest instructors or authors, fee mediators, event panellists, or advisors on special projects.

The Benchers deserve to be recognized for the commitment and energy they brought to their roles in 2011. We are pleased to welcome six new Benchers who were elected for the 2012-2013 term: Bill Maclagan, Maria Morellato, QC, Vincent Orchard, QC, Phil Riddell, Tony Wilson and Barry Zacharias. We also said goodbye and thank you to Benchers Joost Blom, QC, Robert Brun, QC, Carol Hickman, QC, Suzette Narbonne and Alan Ross at the end of 2011.

In closing, I wish to acknowledge out-going president, Gavin Hume, QC. With his leadership and support, we advanced access to justice initiatives, successfully concluded our three-year strategic plan and developed a new plan for 2012-2014.

It is also a pleasure to welcome Bruce LeRose, QC, our president for 2012. We look forward to working with Bruce as we embrace the many challenges and opportunities in the coming year.



Timothy E. McGee  
*Chief Executive Officer*

## MANAGEMENT BOARD



### Front, left to right:

**Alan Treleaven**  
*Director, Education and Practice*

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

### Back, left to right:

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

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

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

**Deborah Armour**  
*Chief Legal Officer*

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

### Core Process Review

In early 2011, our staff completed a thorough evaluation of all the core regulatory processes that are essential to the Law Society mandate. Our objective was to find ways to work more effectively.

Based on more than 800 suggestions from staff, the Core Process Review report focused on three major areas for improvement:

1. Implement a document management system to enhance our ability as regulators by enabling staff to more effectively access information and work collaboratively.
2. Take a fresh look at the scope and method of delivery of our broad range of lawyer support services.
3. Introduce new regulatory initiatives to ensure highly effective investigations and prosecutions and significantly reduce timelines.

During 2011, the Law Society made progress in each of these areas and is well-positioned for continuous improvement in the future.

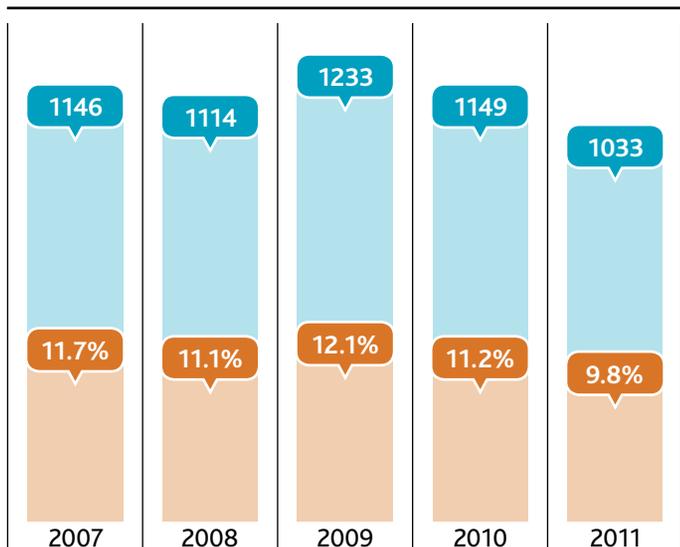
## BELLWETHER MEASURES

Two bellwether measures were adopted in 2011 as indicators of long-term trends in overall performance.

### FREQUENCY OF NEW COMPLAINTS

Measuring the frequency of public complaints provides some indication of public satisfaction with the legal services or advice received, to the extent the public is moved to complain when not satisfied.

The number of complaints about lawyers divided by the median number of practising lawyers.

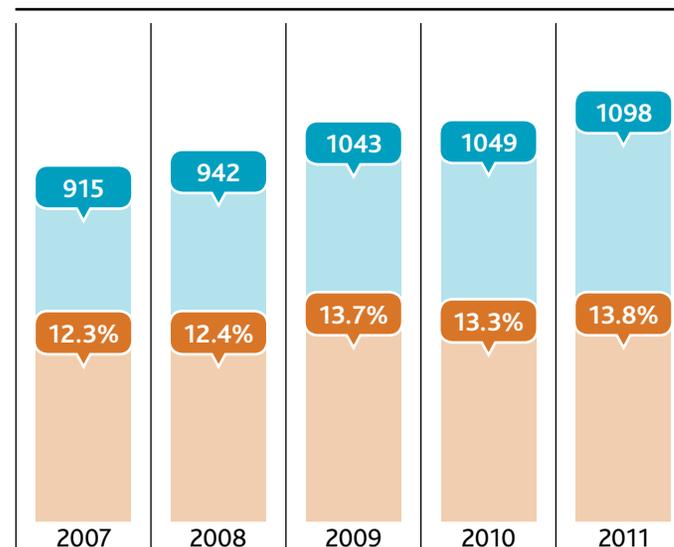


■ NUMBER OF NEW COMPLAINTS ■ FREQUENCY OF COMPLAINTS

### FREQUENCY OF INSURANCE REPORTS

The frequency of insurance reports is some indication of the degree to which those in private practice recognize and report that something or someone has or might claim that the legal services delivered failed to meet acceptable standards.

The number of reports divided by the median number of insured lawyers.



■ NUMBER OF REPORTS ■ FREQUENCY OF REPORTS

## KEY PERFORMANCE MEASURES

## Admissions and Credentials

**Core Function:** 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.

## Performance Results

- ✓ Ninety per cent of students achieved an initial pass in the Professional Legal Training Course, exceeding the key performance measure of 85 per cent.
- ✓ The students' rating of the value of the Professional Legal Training Course exceeded our target of an average of 3.5 or higher on a five-point scale, where a rating of one was lowest and five was highest; the principals' rating met the target average of 3.5.
- ✓ The ratings from both articled students and their principals on the preparatory value of the articling experience met our performance objectives.

## ONE-ON-ONE TUTORING FOR LAW STUDENTS

2011 marked the first full year of a pilot project in which the Law Society's instructors offered students one-on-one tutoring to prepare for examinations. This new tutoring initiative is in addition to PLTC's long-standing tutoring program for students seeking extra assistance with skills.



More information:

- Professional Legal Training Course
- Articling program
- Admission to the profession
- Continuing Professional Development program

## KEY PERFORMANCE MEASURES

## Professional Conduct and Discipline

**Core Function:** Handle complaints about lawyers in a fair, effective and timely manner and maintain a regulatory process that is consistent, thorough and transparent.

## Performance Results

- ✓ Ninety-two per cent of complainants were satisfied with the courtesy extended to them and 81 per cent were satisfied with timeliness in the handling of their complaints, exceeding our objectives of 90 per cent and 75 per cent respectively. Seventy per cent of complainants expressed satisfaction with the thoroughness with which complaints were managed and 68 per cent expressed satisfaction with the fairness of the process, surpassing our goal of 65 per cent.
- ✓ Sixty-six per cent of complainants would recommend the complaints process to someone else, surpassing our goal of 60 per cent.

## CHANGES RESULT IN EFFECTIVE HANDLING OF COMPLAINTS

In early 2011, changes were made to the structure of our complaints and investigations areas to help reduce complaint resolution time and improve the effectiveness of investigations and disciplinary actions. In 2011, 89 per cent of complaint files were closed within one year, leaving the number of open complaint files at the lowest it has been in ten years.



More information:

- Disposition of complaint files closed in 2011
- Complaints and discipline process

## KEY PERFORMANCE MEASURES

## BC Office of the Ombudsperson and Law Society's Complainants' Review Committee

**Oversight role:** These two oversight groups consider requests from people unhappy with their complaints about lawyers being dismissed by the Law Society following investigations.

## Performance Results

- ✓ Fourteen requests for responses were received from the BC Office of the Ombudsperson in 2011 concerning the Law Society's complaints investigation and other regulatory processes, up from three in 2010. While there is no clear explanation for the increase, it could well be due to the Law Society's increased efforts to publicize the existence of the Ombudsperson as a resource to complainants. Out of those 14 files, seven were closed and seven remained open at the end of the year.
- ✓ The Complainants' Review Committee considered 107 complaints compared to 104 in 2010. The committee closed 98 of those complaints without further action. Of the remaining nine complaints, five cases were referred for further disciplinary action and four lawyers were referred for remedial action.
- ✓ The Complainants' Review Committee closed the year with six files being carried over into 2012 as opposed to 49 files the previous year.

## OVERSIGHT GROUPS ASSESS THE LAW SOCIETY

Each year, reports from the BC Office of the Ombudsperson and the Complainants' Review Committee provide important indicators of the Law Society's ability to handle complaints about lawyers. In 2011, these oversight groups found the Law Society's complaint-handling process and procedures appropriate from the point of view of fairness and due process.



More information:

- [BC Office of the Ombudsperson](#)
- [Complainants' Review Committee](#)

## KEY PERFORMANCE MEASURES

## Practice Standards

**Core Function:** Address issues of lawyer competency with online courses, practice management support and other resources.

## Performance Results

- ✓ Of the lawyers who were referred to the Practice Standards program, 92 per cent demonstrated an improvement in competency and efficiency, indicating the effectiveness of the remedial programs and exceeding the performance goal of at least 66 per cent of participants showing an improvement.
- ✓ Based on a five-point scale where a rating of one was lowest and five was highest, each of the five online practice support resources were rated three or higher on a five-point scale by a range of 91 per cent to 98 per cent of lawyer respondents, with the exception of the practice locum programs which fell slightly below the 85 per cent target with an 82 per cent satisfaction rate.

ONLINE PROGRAMS HELP  
LAWYERS SERVE CLIENTS BETTER

The Law Society offers several online support programs to help lawyers meet accepted standards and effectively serve their clients:

- Bookkeeper support program
- Practice locums program
- Practice Refresher Course
- Small Firm Practice Course
- Succession and emergency planning assistance



More information:

- Practice Standards program

## KEY PERFORMANCE MEASURES

## Practice Advice

**Core Function:** Help lawyers serve the public effectively by providing advice and assistance on ethical, practice and office management issues.

## Performance Results

- ✓ In response to a survey of lawyers assessing the effectiveness of the Practice Advice program, 90 per cent of lawyers rated the timeliness of the advice a three or higher where one was lowest and five was highest, meeting the performance target of 90 per cent.
- ✓ Ninety-one per cent of lawyers surveyed were satisfied with the quality of the resources to which they were referred, 92 per cent were satisfied overall with the program, and 93 per cent gave the quality of advice a favourable rating; all slightly above the 90 per cent objective.

## Equity Ombudsperson

The Law Society provides BC law firms with the services of Equity Ombudsperson, Anne Bhanu Chopra. Lawyers, articulated students or staff who may be experiencing harassment or inequity in a legal workplace may contact the Equity Ombudsperson for confidential support.

ALERTING LAWYERS  
TO IMPROPER CONDUCT

Discipline Alerts were introduced by the Law Society in 2011 to advise lawyers of conduct that can lead to discipline. These Alerts are based on actual complaints to the Law Society and are intended to educate lawyers about significant causes of complaints by their clients and the public.



More information:

- [Discipline Alerts](#)
- [Practice Resources](#)
- [Practice Advisors](#)
- [Equity Ombudsperson](#)

## KEY PERFORMANCE MEASURES

## Custodianships

**Core Function:** Provide cost-effective custodianships when a lawyer cannot continue his or her practice due to illness, death or disciplinary action.

## Performance Results

- ✓ The length of time to complete custodianships due to death or disability issues was reduced from a historical average of 24 months to 15 months.
- ✓ The length of time to complete custodianships arising from disciplinary action decreased from a historical average of 48 months to 29 months.
- ✓ Ninety-eight per cent of clients surveyed were satisfied with the way their legal matters were handled by the custodian or locum, exceeding the goal of 90 per cent.

## SUCCESSION PLANNING

In 2011, the Law Society launched a new campaign, "Succession planning, it's good practice." The campaign encourages sole practitioners (lawyers who are not part of a group practice) to take the critical step of arranging for a winding up caretaker for their practices should they become ill or die.



More information:

- [Succession Planning](#)
- [Custodianships](#)

## KEY PERFORMANCE MEASURES

## Trust Assurance

**Core Function:** Ensure that law firms comply with the rules regarding proper handling of clients' trust funds and trust accounting records.

## Performance Results

- ✓ Six per cent of the lawyers were referred for possible discipline as a result of a compliance audit, compared with seven per cent in 2010.
- ✓ Three financial suspensions were issued by the trust assurance program, compared to five suspensions in 2010.
- ✓ Based on the last completed trust reporting year, 92 per cent of lawyers filed a trust report, which was consistent with the previous year. The remaining lawyers were required to file an accountant's report.

## PROGRAM MONITORS HANDLING OF CLIENTS' TRUST FUNDS

In 2011, the Law Society performed 476 compliance audits at law practices throughout BC. Over 2,000 compliance audits have been completed since the first audit cycle began five years ago.



More information:

• [Trust Assurance program](#)

## KEY PERFORMANCE MEASURES

### Lawyers Insurance Fund

**Core Function:** Ensure clients are reasonably compensated if a lawyer is negligent or misappropriates trust funds.

#### Performance Results

- ✓ The Lawyers Insurance Fund met its goal of providing policy limits, insurance coverage and deductibles comparable to the 13 other Canadian law societies 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.
- ✓ Third-party auditors reported that the Lawyers Insurance Fund met or exceeded the goal of resolving claims in a cost-effective manner while balancing the interests of the insured lawyer, the claimant and the Law Society.
- ✓ Ninety-eight 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 90 per cent.

#### BALANCING THE INTERESTS OF LAWYERS, CLAIMANTS AND THE PUBLIC

Third-party auditors stated that a review of the Lawyers Insurance Fund's claim repair files "indicate an extreme willingness to work with all concerned to attempt to obtain positive resolution using creative talents and experience."

Claim repair involves working with both the lawyer and the client to fix an error or mistake before it causes an actual loss to the client. When successfully implemented, claim repair greatly benefits the client and the insured lawyer, and advances the interests of the public.



More information:

- [Lawyers Insurance Fund](#)
- [Professional liability and misappropriation insurance](#)

## 2011 COMMITTEES AND TASK FORCES

Committees and task forces are comprised of Benchers and lawyers from various parts of BC, all of whom volunteer their time to the Law Society.

### Committees

#### Executive

Assists the Benchers and the Executive Director in establishing relative priorities for the assignment of Law Society financial, staff and volunteer resources and planning Bencher meetings.

*Benchers:* Gavin Hume, QC (chair), Bruce LeRose, QC (vice-chair), Kathryn Berge, QC, Jan Lindsay, QC, Peter Lloyd, FCA, David Renwick, QC, Richard Stewart, QC, Art Vertlieb, QC

#### Audit

Assists the Benchers in determining that the financial affairs of the Law Society are properly managed by staff.

*Benchers:* Rita Andreone, QC (chair), Peter Lloyd, FCA (vice-chair)

*Non-Benchers:* Paul Albi, QC, William MacLeod, Phillip Marshall

#### Complainants' Review

Reviews the case files of complainants who are dissatisfied with dismissal of their complaints.

*Benchers:* Haydn Acheson (chair), Satwinder Bains (vice-chair), Lee Ongman, Kenneth Walker

*Non-Benchers:* Pinder Cheema, QC, Peter Gorgopa

#### Credentials

Oversees the enrolment, education, examination and call to the bar of articulated students, the transfer of lawyers to BC and the reinstatement of former lawyers.

*Benchers:* David Renwick, QC (chair), Kenneth Walker (vice-chair), Satwinder Bains, Carol Hickman, QC, Bruce LeRose, QC, Benjimen Meisner, Thelma O'Grady, Lee Ongman, Gregory Petrisor

*Non-Benchers:* Patsy Scheer, Angela Westmacott

#### Discipline

Reviews complaints concerning lawyers or articulated students that are referred by Law Society staff, the Complainants' Review Committee or other committee.

*Benchers:* Richard Stewart, QC (chair), Herman Van Ommen (vice-chair), Kathryn Berge, QC, Tom Fellhauer, Stacy Kuiack, Suzette Narbonne, Claude Richmond

*Non-Bencher:* Craig Ferris

#### Ethics

Identifies current professional responsibility issues and makes recommendations on changes to the *Professional Conduct Handbook* for consideration by the Benchers.

*Benchers:* Joost Blom, QC (chair), Patricia Bond (vice-chair), David Crossin, QC, Leon Getz, QC, Gavin Hume, QC, Nancy Merrill, Life Bencher Terence La Liberté, QC

*Non-Benchers:* Christine Elliott, Peter Ramsay, QC, Anne Stewart, QC, Bruce Woolley, QC

#### Finance

Reviews annual fee-setting process and related budgeting process, periodically reviews financial reporting and investment results, reviews financial matters as required.

*Benchers:* Bruce LeRose, QC (chair), Art Vertlieb, QC, (vice-chair), Rita Andreone, QC, Stacy Kuiack, David Renwick, QC, Kenneth Walker

#### Practice Standards

Reviews information about lawyers who may have competency-related problems and, when appropriate, orders investigations.

*Benchers:* Rita Andreone, QC (chair), Robert Brun, QC (vice-chair), Jan Lindsay, QC, Peter Lloyd, FCA, Alan Ross, Catherine Sas, QC

*Non-Benchers:* Jennifer Johnston, Christopher McEwan, Mark Skwarok, Janet Winteringham, QC

#### Special Compensation Fund

Considers claims for compensation arising from the alleged misappropriation or wrongful conversion of trust funds by a BC lawyer acting in that capacity.

*Benchers:* David Renwick, QC (chair), Richard Stewart, QC (vice-chair), Bruce LeRose, QC, Benjimen Meisner, Life Bencher Patricia Schmit, QC

*Non-Benchers:* Azim Dattoo, QC, Peter Ramsay, QC

#### Unauthorized Practice Committee

Enforces the *Legal Profession Act* with respect to all aspects of the practice of law by people who are not lawyers and develops policy recommendations for the Benchers in unauthorized practice matters.

*Benchers:* Stacy Kuiack (chair), Robert Brun, QC (vice-chair), Lee Ongman, Gregory Petrisor, Alan Ross

*continued...*

## 2011 COMMITTEES AND TASK FORCES ...continued

### Subcommittees

#### Act and Rules

Recommends amendments to the *Legal Profession Act* and Law Society Rules.

*Benchers:* Leon Getz, QC (chair), Rita Andreone, QC, Kathryn Berge, QC, David Renwick, QC

#### Appointments

Provides advice and guidance to the Executive Committee, the Benchers and the President for managing the Law Society's appointment of directors and governors to the boards of more than 20 organizations.

*Benchers:* Gavin Hume, QC (chair), Bruce LeRose, QC, Art Vertlieb, QC, Lee Ongman

#### Litigation

Deals with litigation matters that are referred by staff and determines which matters should come before the Executive Committee.

*Benchers:* Gavin Hume, QC (chair), Bruce LeRose, QC, Art Vertlieb, QC

### Advisory Committees

#### Access to Legal Services

Monitors developments on issues affecting access to legal services and reports those developments to the Benchers.

*Benchers:* Art Vertlieb, QC (chair), Life Bencher Glen Ridgway, QC (vice-chair), Hadyn Acheson, David Mossop, QC

*Non-Benchers:* Johanne Blenkin, Wayne Robertson, QC, Tony Vecchio

#### Equity and Diversity

Monitors developments on issues affecting equity and diversity in the legal profession and the justice system.

*Benchers:* Robert Brun, QC (chair), Catherine Sas, QC (vice-chair), Thelma O'Grady, Life Bencher Patrick Kelly, Life Bencher June Preston, MSW

*Non-Benchers:* Jennifer Chow, Elizabeth Hunt, Karen Whonnock

#### Independence and Self-Governance

Monitors developments and issues affecting the independence and self governance of the legal profession and the justice system in BC and reports on those developments to the Benchers.

*Benchers:* Jan Lindsay, QC (chair), Haydn Acheson (vice-chair), Leon Getz, QC, Claude Richmond, Herman Van Ommen

*Non-Benchers:* Craig Dennis, Prof. Hamar Foster, QC, J. Cameron Mowatt

#### Lawyer Education

Monitors developments on issues affecting lawyer education in BC and reports to the Benchers about those developments.

*Benchers:* Thelma O'Grady (chair), Joost Blom, QC (vice-chair), Tom Fellhauer, Benjimen Meisner, Nancy Merrill, Catherine Sas, QC, Life Bencher Patricia Schmit, QC, Life Bencher James Vilvang, QC

*Non-Benchers:* Johanne Blenkin, Linda Robertson

### Task Forces

#### Alternative Dispute Resolution

Reports to the Benchers with recommendations for action based on the findings in its report and any decisions of the Benchers arising from this report.

*Benchers:* Life Bencher Ralston Alexander, QC, Life Bencher John Hunter, QC

*Non-Benchers:* Stanley Lanyon, QC, Jerry McHale, QC

#### Discipline Guidelines

Develops policies regarding investigation abeyances and publication of conduct reviews and drafts guidelines regarding the Discipline Committee's evaluation and disposition of conduct investigations.

*Benchers:* Herman Van Ommen (chair), David Crossin, QC, Stacy Kuiack, Life Bencher Anna Fung, QC

#### Family Law

Creates best practice guidelines for lawyers practising family law in collaboration with a working group of the Canadian Bar Association, BC Branch.

*Benchers:* Carol Hickman, QC (chair), Kathryn Berge, QC, Patricia Bond, Gregory Petrisor, Richard Stewart, QC, Life Bencher Patricia Schmit, QC

## HEARING PANEL POOL MEMBERS

Lawyers and members of the public from around the province volunteered to be part of the new hearing panel pools.



### Members of the public

#### Front, left to right:

Graeme Roberts, Brentwood Bay  
 Dr. Gail Bellward, Vancouver  
 Adam Eneas, Penticton  
 Paula Cayley, Lions Bay  
 Clayton Shultz, Surrey  
 Lois Serwa, Kelowna  
 J.S. (Woody) Hayes, Duncan

#### Back, left to right:

John Lane, Cobble Hill  
 David Chiang, Vancouver  
 Dan Goodleaf, Vancouver  
 Dennis Day, Langley  
 Thelma Siglos, New Westminster  
 Donald Amos, Sidney  
 Linda Michaluk, North Sannich  
 Lance Ollenberger, Fort St. John  
 Carol Gibson, Vancouver

#### Not pictured:

Glenys Blackadder, Victoria  
 Jory Faibish, Vancouver  
 John Ferguson, Burnaby  
 Laura Nashman, Victoria  
 Robert Smith, Surrey

### Non-Bencher lawyers

Jasmin Ahmad, Vancouver  
 Ralston Alexander, QC, Victoria  
 Jo Ann Carmichael, QC, Vancouver  
 Jennifer Chow, Vancouver  
 Ian Donaldson, QC, Vancouver  
 James Dorsey, QC, North Vancouver  
 William Everett, QC, Vancouver  
 Anna Fung, QC, Vancouver  
 John Hogg, QC, Kamloops  
 William Jackson, QC, Dawson Creek  
 David Layton, Vancouver  
 Richard Lindsay, QC, Vancouver  
 Kelly MacDonald, Tsawwassen  
 Shona Moore, QC, Vancouver  
 Karen Nordlinger, QC, Vancouver  
 Jennifer Reid, Prince Rupert  
 Dale Sanderson, QC, Vancouver  
 Donald Silversides, QC, Prince Rupert  
 Marvin Storrow, QC, Vancouver  
 William Sundhu, Kamloops  
 Gordon Turriff, QC, Vancouver  
 John Waddell, QC, Victoria  
 Brian J. Wallace, QC, Victoria  
 Peter Warner, QC, Prince George  
 Sandra Weafer, Vancouver  
 Gary Weatherill, QC, Vernon



More information:

• [Hearing Panel Pool Members](#)

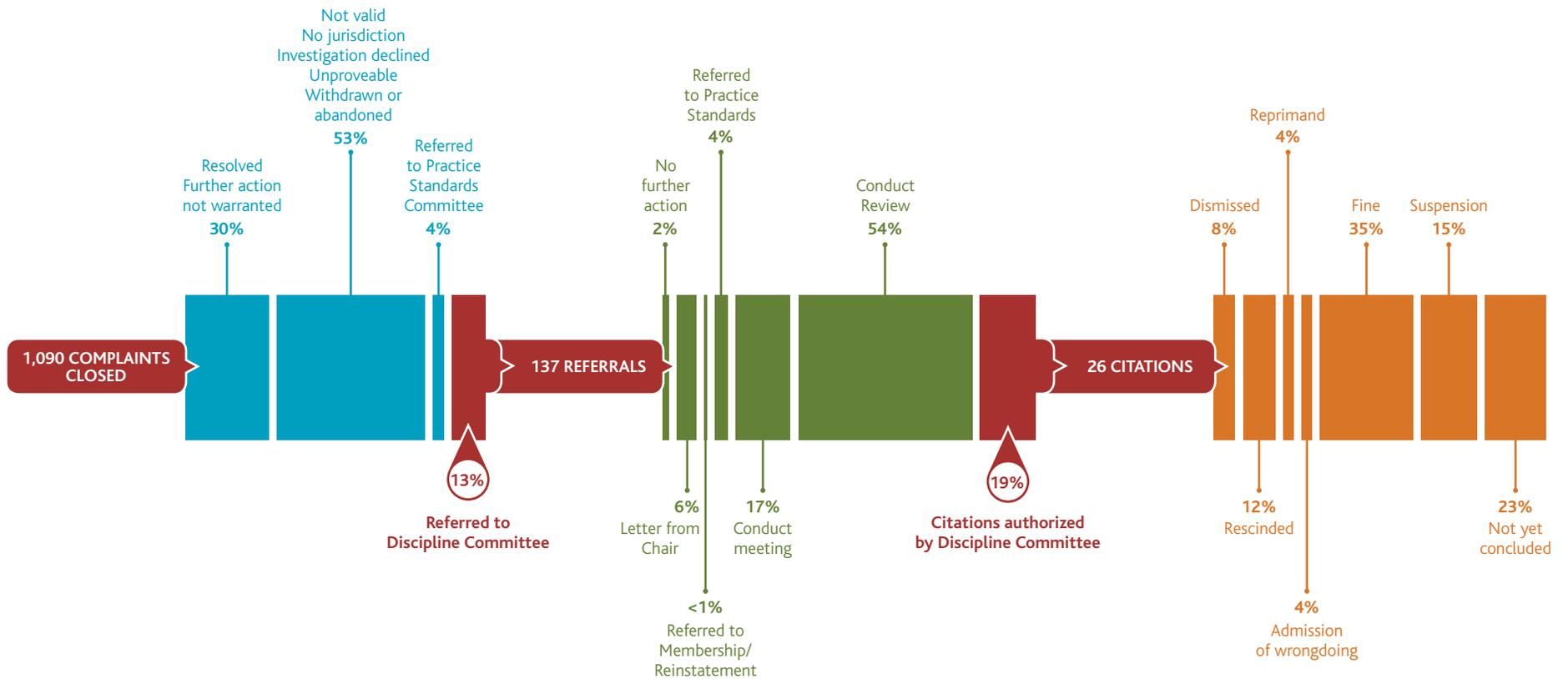
## LIFE BENCHERS

Benchers who have volunteered for four terms or have served as President of the Law Society are recognized with the title Life Bencher.

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

*The dates in parentheses represent years of service as a Bencher.*

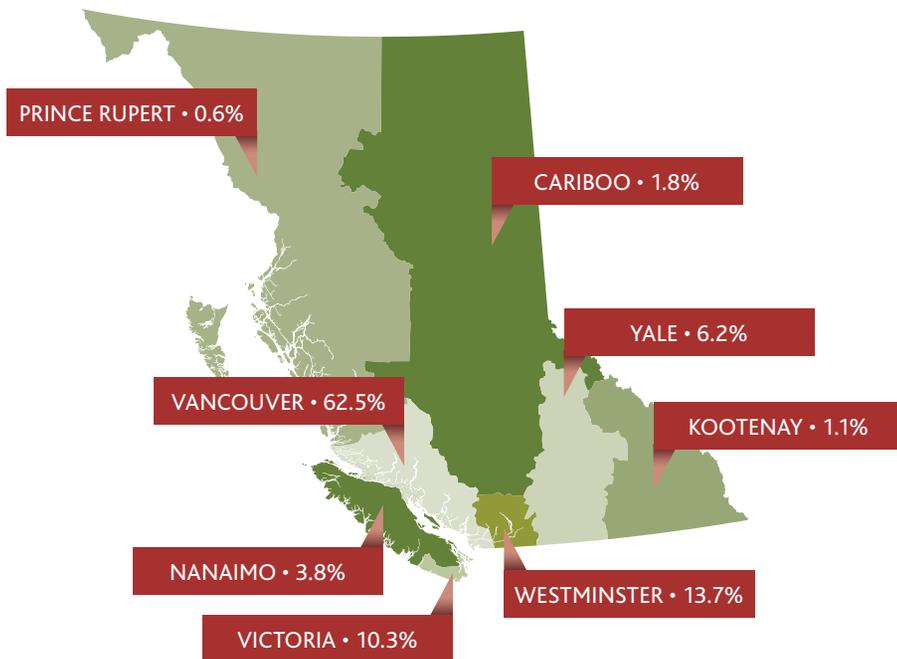
# DISPOSITION OF COMPLAINT FILES CLOSED IN 2011



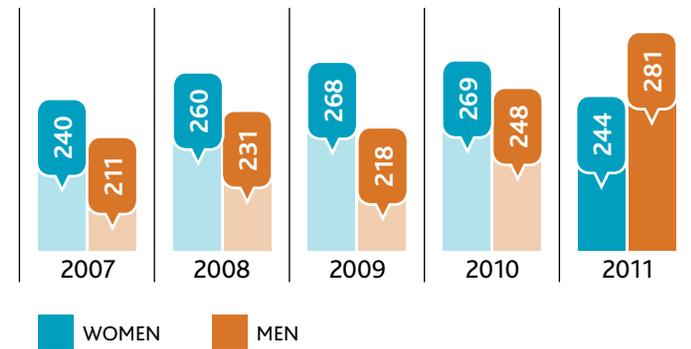
Please note that while this graph attempts to demonstrate proportion, it is not to scale. Percentages not adding to 100 per cent are due to rounding.

# 2011 STATISTICS

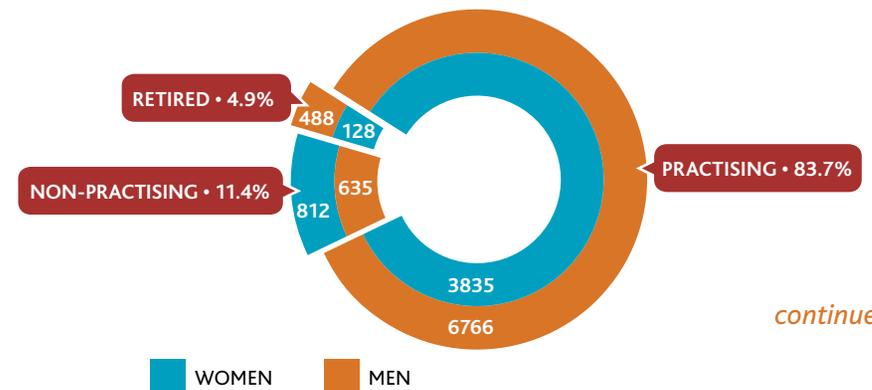
LAWYERS AROUND THE PROVINCE BY ELECTORAL DISTRICT



NEW BC LAWYERS



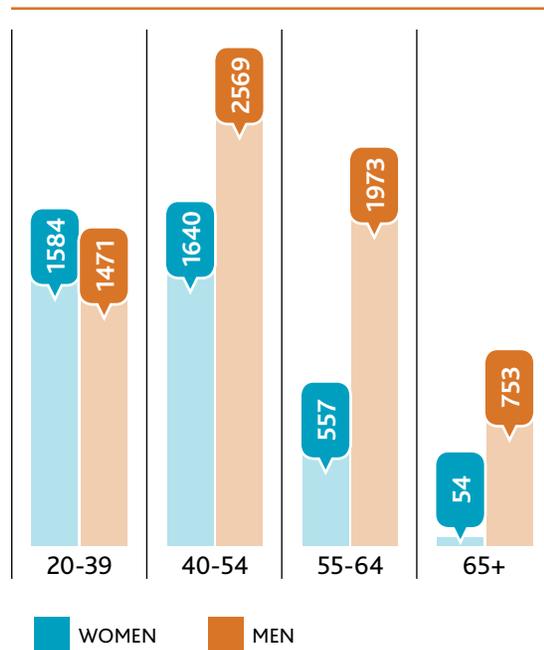
STATUS OF LAWYERS REGISTERED WITH THE LAW SOCIETY



*continued...*

2011 STATISTICS ...continued

AGE DEMOGRAPHIC OF PRACTISING BC LAWYERS



LEGAL AREAS OF PRACTICE IN BC



## IN THE COMMUNITY

In 2011, the Law Society continued to be committed to giving back to our community and supporting the charitable energy of our employees. Here are some of the highlights of our involvement.

### PUBLIC

- Supported Rural Education and Access to Lawyers initiative to attract new lawyers to small and rural BC communities.
- Contributed more than \$145,000 of the fees paid by lawyers to the Law Society to the Law Foundation to support pro bono.
- Co-sponsored Law Week event, *Access to Justice: the Changing Face of Law*, to explore access to justice issues with the public.

- Presented a \$12,000 scholarship to a law graduate in BC.
- Awarded gold medals to two BC law students graduating with the highest grade point average.
- Sponsored a media workshop with the Jack Webster Foundation to help journalists better understand and report to the public on the justice system and legal issues.

### EDUCATION

### CHARITY

- Our employees organized a number of workplace fundraising activities to benefit these charitable organizations and others:
- Raised over \$35,000 for the United Way employee campaign.
  - Donated clothing, household items and food to local emergency shelters and transition housing.

- Launched a food scrap composting program within the Law Society offices.
- Published the Law Society's annual review and financial statements only in electronic form.
- Received a certificate from the David Suzuki Foundation recognizing our commitment to sustainable workplace practices.

### ENVIRONMENT