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- Disposition of Complaint Files
- Legal Profession in BC

COMMUNITY

- Public, Education, Charity, Environment



THE LAW SOCIETY OF BRITISH COLUMBIA

2012 REPORT ON PERFORMANCE

Enhancing public **confidence** through **innovative** regulation and improved **access** to legal services

lawsociety.bc.ca

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Firsts for the Law Society in 2012

In 2012, the Law Society accomplished ten "firsts" while working through its strategic goals to enhance public confidence through innovative regulation and improved access to legal services.

FIRST time that paralegals can give legal advice	FIRST time that paralegals can make appearances in court	FIRST year that members of the public sat on hearing panels	FIRST evaluation of Law Society's governance practices since 1993	FIRST six-year cycle of compliance audits completed
<p>Amended the <i>Professional Conduct Handbook</i> (since replaced by the <i>Code of Professional Conduct for British Columbia</i>) to permit designated paralegals to give legal advice so as to improve the public's access to more affordable legal services.</p>	<p>With the cooperation of the Provincial Court and Supreme Court of BC, launched a two-year pilot project that will see designated paralegals permitted to make court appearances.</p>	<p>Recognized first anniversary of having members of the public sit on hearing panels that discipline lawyers and review applications of people applying to become lawyers.</p>	<p>A review of our governance practices identified a number of opportunities for modernizing Bencher roles and approaches to setting policy and assessing the Bencher group's composition and committees.</p>	<p>All BC law firms who operated trust accounts when the audit program launched have been audited to ensure compliance with our rules related to proper handling of clients' trust funds and trust accounting records.</p>
<p>2 paralegals maximum can be "designated" by a supervising lawyer</p>	<p>2 year pilot project began January 2013</p>	<p>21 members of the public hearing panel pool</p> <p>16 discipline hearings adjudicated with public members</p> <p>4 credentials hearings with public participation</p>	<p>20 years since a third-party review of our governance model was conducted</p>	<p>2,500 law firms audited in 6 years</p>

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Firsts for the Law Society in 2012 ...continued

FIRST Law Society president from the Kootenays

Welcomed Bruce LeRose, QC, our first president of the board of governors to come from the Kootenays in the Law Society's 128-year history.



Bruce LeRose, QC (left) sworn in as president by Lance Finch, Chief Justice of BC

FIRST Law Society scholarship for Aboriginal graduate students

Established \$12,000 annual scholarship for Aboriginal graduate students pursuing a law degree as a step towards increasing the number of Aboriginal lawyers in the legal profession.

4.6% | Aboriginal peoples represented out of BC's total population

1.5% | The number of Aboriginal lawyers represented in the legal profession

10 | years that the percentage of Aboriginal lawyers has not increased in a decade

FIRST Law Society Speakers Bureau

Introduced our Speakers Bureau to provide the public and lawyers with staff volunteers to present information about what the Law Society does and how to access our services.

30 | speech topics for lawyer and public audiences

FIRST glimpse of inner workings of Law Society through Twitter

Provided the public with a glimpse of the Law Society's operations via a one-day insider's view through Twitter.

100 | Tweets sent

66,000

Twitter account holders potentially reached through original Tweets, ReTweets and Mentions

FIRST time BC law firms can participate in Justicia Project

Launched the Justicia Project in BC to enable law firms to commit to identifying and adopting principles and best practices that promote the retention and advancement of women lawyers.

37% | of practising lawyers in BC are women

49% | of new BC lawyers are women

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President's Message

Access to justice remains the focus of Law Society initiatives

Access to justice continues to be the dominant issue facing the justice system. Media stories of delayed court proceedings and increasing numbers of self-represented litigants are common. The release of the BC government's white paper on justice reform, *A Modern, Transparent Justice System*, in response to Geoffrey Cowper, QC's review, entitled *A Criminal Justice System for the 21st Century*, heightened awareness of the critical problems.

It will take the concerted and collaborative efforts of everyone engaged in the justice system to make the necessary changes to improve access to justice and the Law Society remains intent on doing all it can to assist in realizing those changes.

The Law Society was very encouraged by the government's green paper on justice reform and the appointment of Mr. Cowper to conduct his review of the justice system. The Law Society made a submission to that review and we also met with government after its announcement of Bill 44, the *Civil Resolution Tribunal Act*, to ensure the new process is fulfilled without compromising the integrity of the justice system and the rule of law. The Benchers are pleased to see the government taking appropriate steps, including planning a Justice Summit in 2013.

At the request of Justice Minister Shirley Bond, the Law Society and the Society of Notaries Public of BC are working together, through the auspices of the Law Society's Legal Services Task Force, to develop options for how best to approach regulatory reform in connection with the role of our organizations. The task force is chaired by me and will consider whether it is in the public interest that all legal service providers be regulated and whether having a single regulator would improve access to law-related services for the public.

In 2012, the first year of our new, three-year strategic plan, a great deal was accomplished by the Benchers – much of it to address the public's ability to access reasonably priced legal services.

After broadening the scope of services that articulated students could provide in 2011, we expanded the role of paralegals in 2012. Paralegals, under the supervision of lawyers, are now permitted to provide legal advice and give undertakings. In addition, working with the courts, we established pilot projects in both the BC Supreme Court and the Provincial Court, allowing designated paralegals limited rights to appear in court on family law matters. This is a significant change that will provide the public with more options to obtain legal services.



In 2012, the first year of our new, three-year strategic plan, a great deal was accomplished by the Benchers – much of it to address the public's ability to access reasonably priced legal services.

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President's Message ...continued

With an eye to enhancing the regulatory effectiveness of the Law Society and providing better protection for the public, amendments to the *Legal Profession Act* were passed by the BC Legislature in 2012. Among the improvements is an updated mandate that highlights the commitment of the Law Society to the protection of the public interest in the administration of justice. The amendments also provide the Law Society with the authority to regulate law firms, increase the maximum fines for lawyer misconduct and suspend a lawyer under investigation or impose conditions on that lawyer's practice.

The implementation of the Justicia Project also got under way in 2012 with a meeting of law firm managing partners to solicit commitment to the initiative. The project's aim is to improve the retention of women lawyers in the profession.

A second diversity initiative is the launch of the Aboriginal scholarship, a \$12,000 annual award aimed to help retain Aboriginal lawyers by supporting the development of Indigenous leaders and role models in the legal academic community.

The Benchers also initiated and completed a review of the Law Society's governance. The review recommended a broad range of changes to modernize how the Benchers govern, which will assist the Benchers in their roles as directors of the Law Society, as regulators of the profession and as "trusted advisors" to the profession.

Beyond our province, the Federation of Law Societies of Canada has been actively continuing to lead the development of national standards for regulation to ensure that all Canadians are served by a competent, honourable and independent legal profession and to improve the ability of lawyers to move and practise across the country.

In 2012, the Benchers approved the *Code of Professional Conduct for British Columbia*, which was based on the Federation's *Model Code of Professional Conduct*. The new code came into effect on January 1, 2013, replacing the *Professional Conduct Handbook*, and is the culmination of a great deal of work led by former President and current BC representative to the Federation, Gavin Hume, QC.

We are also participating with the Federation in the development of national competency and admissions standards, a project that was launched in 2012 and remains very active. Additionally, we continue to participate in the pilot project for national discipline standards, the goal of which is to develop uniformly high standards for the processing of complaints and disciplinary matters for the Canadian public, regardless of where they reside, if they have a complaint about the services of a lawyer.

I want to take this opportunity to thank my fellow Benchers and the Law Society management and staff, all of whom are committed to the protection of the public. It has been an honour to serve this esteemed organization.



Bruce LeRose, QC
President

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Strategic Plan

The Law Society began work this year on meeting the goals set out in its 2012 – 2014 strategic plan.

The plan provides appropriate focus on the development by Benchers of policy that is aligned with our responsibility, under the *Legal Profession Act*, to protect the public interest in the administration of justice.

To date, the Law Society has made progress towards meeting all goals.

The 2012-2014 plan has three goals:

- 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

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Strategic Plan Progress

Strategic Goal 1: Innovative and effective regulator

Legal Profession Act amended to enhance regulation

In May 2012, amendments to the *Legal Profession Act* were passed by the BC Legislature, providing much-needed updates. With the amendments, the Law Society now has better authority to regulate the legal profession in the public interest, including the ability to regulate law firms and not just lawyers, and the ability to suspend a lawyer during an investigation if doing so is in the public interest.

Code of Professional Conduct for British Columbia approved

As a part of the Federation of Law Societies of Canada's aim to set national standards for regulation of the legal profession, the Benchers approved the new *Code of Professional Conduct for British Columbia*. This replaces the *Professional Conduct Handbook* and is based on the Federation's *Model Code of Professional Conduct*, with adaptations to improve its use in BC. National standards will help ensure the public is served by legal professionals who are held to the same high level of competence and ethics, no matter where in Canada they practise.

Progress made on national standards for competency and good character

The Law Society is an active participant in efforts by the Federation of Law Societies to establish national competency and good character standards for admission to the profession. The National Entry-Level Practice Competency Profile was developed in 2012 for approval by all law societies. Work is now under way to develop a national approach to implementation of those standards.

Improvements identified after governance review

A third-party review of the Law Society's governance practices, which have not been evaluated since 1993, has revealed a number of suggested improvements, many of which have already been implemented and others which will be put into operation in the coming months. Among the recommendations are to find ways to increase the diversity of the governing board and to develop a model for the independent evaluation of Law Society processes.

Working group established to address lawyer wellness

A working group has been created to gather information on current wellness programs, to identify and eliminate barriers to lawyers using wellness programs, and to report back with recommendations for the future. This is in response to the need to ensure programs are available to assist lawyers who may be struggling with workplace stress that could impact their ability to practise to their full capabilities.

Task force created to consider the regulation of legal services

Given the changing landscape of the legal services marketplace, a task force was created in 2012 to examine whether the Law Society should regulate just lawyers or whether it should regulate all legal service providers. The task force includes representatives of the Society of Notaries Public of BC and the BC Paralegals Association, as well as public representatives. The impetus for the task force comes from the experience of other jurisdictions and the Benchers' interest in increasing access to a range of legal services that offer the public options within the security of regulation and oversight.

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Strategic Plan Progress ...continued

Strategic Goal 2: Access to Legal Services

Paralegals now permitted to provide legal advice

The Benchers adopted new rules and agreed on some important steps toward enhancing the role of paralegals and offering the public new options for more affordably priced legal services. Specifically, a lawyer is now permitted to supervise two "designated paralegals" who are entitled to perform a number of additional legal services, including giving legal advice. In addition, a two-year pilot project with the BC Supreme Court and the Provincial Court will evaluate appearances by designated paralegals on limited matters.

Justicia Project launched

The Justicia Project is designed to identify best practices to retain and promote women lawyers in private practice. The first phase of the project was launched this year with a managing partners' summit. Participating law firms will commit to several goals, including tracking gender demographics and adopting initiatives to foster women's networking and business development.

Strategic Goal 3: Public Confidence

Government relations remain important focus

In recognition of the importance of working with the many participants in the justice system, the Law Society increased its government relations activity in 2012. In addition to providing support for the ultimate passage of the enhanced *Legal Profession Act*, Law Society staff met with Ministry of Justice staff on several occasions to consult on matters of both regulatory and public interest importance.

"Twitter Day" intended to educate public on Law Society function

The Law Society provided the public with a glimpse of its inner workings when it showcased the work it was doing in real time on Twitter during Law Week. The event was part of the Society's ongoing commitment to transparency and accountability, and was accompanied by media coverage for which President Bruce LeRose, QC was interviewed.

Speakers Bureau launched

The Law Society is committed to providing the public with information about what we do and how to access our services. Further to that aim, we launched our Speakers Bureau in 2012, which is now supported through the work of 13 senior staff of the Law Society who have volunteered to be speakers.

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Benchers

The Benchers are responsible for the Law Society Rules, the *Code of Professional Conduct for British Columbia* and governance policies, and also govern and administer the affairs for 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 official of the Law Society and serves a one-year term.



First, left to right:

- Haydn Acheson
(Appointed Bencher)
- Ken Walker, QC
(Kamloops District)
- FIRST VICE-PRESIDENT
Art Vertlieb, QC
(Vancouver County)
- PRESIDENT
Bruce A. LeRose, QC
(Kootenay County)
- SECOND VICE-PRESIDENT
Jan Lindsay, QC
(Westminster County)
- CEO Timothy E. McGee
- Leon Getz, QC
(Vancouver County)

Second, left to right:

- Catherine A. Sas, QC
(Vancouver County)
- C.E. Lee Ongman
(Cariboo County)
- Miriam Kresivo, QC
(Vancouver County)
- Thelma O'Grady
(Vancouver County)
- Maria Morellato, QC
(Vancouver County)
- Richard N. Stewart, QC
(Victoria County)
- Gregory A. Petrisor
(Cariboo County)
- Phil Riddell
(Westminster County)

Third, left to right:

- David W. Mossop, QC
(Vancouver County)
- David M. Renwick, QC
(Westminster County)
- Satwinder Bains
(Appointed Bencher)
- Barry Zacharias
(Prince Rupert County)
- Vincent Orchard, QC
(Vancouver County)
- Tony Wilson
(Vancouver County)

Fourth, left to right:

- Peter B. Lloyd, FCA
(Appointed Bencher)
- Benjimen Meisner
(Appointed Bencher)
- Stacy Kuiack
(Appointed Bencher)
- Kathryn Berge, QC
(Victoria County)
- Claude Richmond
(Appointed Bencher)
- Nancy G. Merrill
(Nanaimo County)
- Herman Van Ommen, QC
(Vancouver County)
- Tom Fellhauer
(Okanagan District)

Not pictured:

- Rita C. Andreone, QC
(Vancouver County)
- Bill Maclagan
(Vancouver County)
- E. David Crossin, QC
(Vancouver County)

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Appointed Benchers

The six Appointed Benchers are members of the public who are not lawyers and are appointed by the provincial government to represent the public. Appointed Benchers participate fully in policy debates, discipline and credentials hearings and all committees.

The Appointed Benchers made a statement about the Law Society's 2012 operations:

The Appointed Benchers bring a public perspective to policy debates and governance of the Law Society. Appointed Benchers ensure that discussions and decisions consistently take the interests of the public into consideration. As a result of being directly involved in all regulatory processes, the Appointed Benchers are confident in the Law Society's ability to protect the public interest in every aspect of policy and operations.

The initiative to allow designated paralegals to perform certain tasks previously reserved for lawyers is a concrete step towards providing better access to legal services for all BC residents. While more can be done, the Law Society led the way in negotiating this improvement with the courts. The Law Society also continues to be a strong advocate for uniformity in standards for the legal profession across Canada, which is very much in the public interest.



Front, left to right:

Peter B. Lloyd, FCA is 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 Kuiuack is a corporate finance consultant and an executive in residence with the Peter B. Gustavson School of Business at the University of Victoria.

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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.



Bruce LeRose, QC (chair)

Benchers:

Art Vertlieb, QC (vice-chair)
Stacy Kuiack
Jan Lindsay, QC
Richard Stewart, QC
Herman Van Ommen, QC
Ken Walker, QC

Audit

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



Rita Andreone, QC (chair)

Benchers:

Peter Lloyd, FCA (vice-chair)

Non-Benchers:

Paul Albi, QC
Peter Kelly
Phillip Marshall

Complainants' Review

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



Haydn Acheson (chair)

Benchers:

Benjimen Meisner (vice-chair)
Tom Fellhauer
Lee Ongman
Ken Walker, QC

Non-Bencher:

Pinder Cheema, QC

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.



Ken Walker, QC (chair)

Benchers:

Gregory Petrisor (vice-chair)
Haydn Acheson
Satwinder Bains
David Mossop, QC
Thelma O'Grady
Lee Ongman
Vincent Orchard, QC
David Renwick, QC

Non-Benchers:

Patsy Scheer
Angela Westmacott

Discipline

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



Herman Van Ommen, QC (chair)

Benchers:

Stacy Kuiack (vice-chair)
Bill Maclagan
Maria Morellato, QC
Claude Richmond
Phil Riddell
Richard Stewart, QC

Non-Benchers:

Craig Ferris
Anthony Vecchio

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Ethics

Identifies current professional responsibility issues and makes recommendations on changes to the *Professional Conduct Handbook* (now the *Code of Professional Conduct for British Columbia*) for consideration by the Benchers.



Leon Getz, QC (chair)

Benchers:

David Crossin, QC (vice-chair)
Rita Andreone, QC
Miriam Kresivo, QC
Nancy Merrill

Non-Benchers:

Life Bencher Joost Blom, QC
Life Bencher Gavin Hume, QC
Stanley Martin
Peter Ramsay, QC
Anne Stewart, QC
Bruce Woolley

Finance

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



Art Vertlieb, QC (chair)

Benchers:

Jan Lindsay, QC (vice-chair)
Rita Andreone, QC
Peter Lloyd, FCA
Bill Maclagan
David Renwick, QC

Practice Standards

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



Jan Lindsay, QC (chair)

Benchers:

Catherine Sas, QC (vice-chair)
Kathryn Berge, QC
Tom Fellhauer
Peter Lloyd, FCA
Benjimen Meisner
Tony Wilson
Barry Zacharias

Non-Benchers:

Christopher McEwan
Alan Ross
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.



David Renwick, QC (chair)

Benchers:

Richard Stewart, QC (vice-chair)
Bruce LeRose, QC
Benjimen Meisner

Non-Benchers:

Life Bencher Patricia Schmit, QC
Azim Datoo, QC
Peter Ramsay, QC

Unauthorized Practice

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.



Stacy Kuiack (chair)

Benchers:

Lee Ongman (vice-chair)
Gregory Petrisor
Tony Wilson
Miriam Kresivo, QC

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Advisory Committees

Access to Legal Services

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



Richard Stewart, QC (chair)

Benchers:

David Mossop, QC (vice-chair)
Haydn Acheson
David Crossin, QC
Tom Fellhauer
Bill Maclagan

Non-Benchers:

Life Bencher Carol Hickman, QC
Life Bencher Glen Ridgway, QC

Equity and Diversity

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



Thelma O'Grady (chair)

Benchers:

Satwinder Bains (vice-chair)
Maria Morellato, QC
Barry Zacharias

Non-Benchers:

Elizabeth Hunt
Amyl Lalji
Suzette Narbonne

Rule of Law and Lawyers Independence

Monitors issues and legislation affecting the rule of law and the independence and self-governance of the legal profession and reports on those matters to the Benchers.



Kathryn Berge, QC (chair)

Benchers:

Herman Van Ommen, QC (vice-chair)
Leon Getz, QC
Jan Lindsay, QC
Claude Richmond
Richard Stewart, QC

Non-Benchers:

Craig Dennis
J. Cameron Mowatt

Lawyer Education

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



Thelma O'Grady (chair)

Benchers:

Nancy Merrill (vice-chair)
Vincent Orchard, QC
David Renwick, QC
Phil Riddell
Catherine Sas, QC
Ken Walker, QC
Tony Wilson

Non-Benchers:

Johanne Blenkin
Linda Robertson

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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.



Life Bencher
Ralston Alexander, QC (chair)

Non-Benchers:

Life Bencher John Hunter, QC
Stanley Lanyon, QC
Jerry McHale, 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.



Life Bencher
Carol Hickman, QC (chair)

Benchers:

Kathryn Berge, QC
Nancy Merrill
Lee Ongman
Gregory Petrisor
Richard Stewart, QC

Governance Review

Assesses the Law Society's current governance structure and practices to identify any areas for improvement.



Bruce LeRose, QC (chair)

Benchers:

Art Vertlieb, QC (vice-chair)
Haydn Acheson
Rita Andreone, QC
Stacy Kuiack
Jan Lindsay, QC
Peter Lloyd, FCA

Legal Service Provider

Considers whether the Law Society ought to regulate only lawyers in BC or whether it should regulate other legal service providers.



Bruce LeRose, QC (chair)

Benchers:

Ken Walker, QC (vice-chair)
Satwinder Bains

Non-Benchers:

John Eastwood
Carmen Marolla
Kerry Simmons
Godfrey Archbold

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Committees and Task Forces ...continued

Subcommittees

Act and Rules

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



Leon Getz, QC (chair)

Benchers:

Kathryn Berge, QC
Bill Maclagan
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.



Bruce LeRose, QC (chair)

Benchers:

Jan Lindsay, QC
Art Vertlieb, QC

Litigation

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



Bruce LeRose, QC (chair)

Benchers:

Jan Lindsay, QC
Art Vertlieb, QC

Non-Bencher:

Life Bencher Gavin Hume, QC

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CEO's Message

Constant improvement necessary to being an efficient, effective regulator

Given the first goal of the Law Society's new strategic plan is to be a more innovative and effective professional regulatory body, it is not surprising that 2012 was a year of firsts.

One of the more significant achievements was the passing of Bill 40, the *Legal Profession Amendment Act, 2012*. The amendments provide the Law Society with the authority to regulate law firms, increase the maximum fines for lawyer misconduct and allow the imposition of conditions on practice or the suspension of a lawyer under investigation. We are now working on changing and developing processes to implement this new authority.

In 2012, we conducted a review of how we manage personal and private information. While our current practices were very good, we will be taking a number of steps to provide even greater protection of confidential information to ensure compliance with all privacy laws and best practices.

We also completed a full review of our key performance measures used to evaluate whether we are achieving our regulatory objectives. Changes that will ensure these measures continue to be relevant and provide an appropriate level of operational accountability and transparency are now being implemented.

Following on the review of our core regulatory processes, this year saw us continue to implement the recommendations of that review.

First, we continued to make improvements to our regulatory operations, adopting new practices and investigative techniques as outlined in the 2011 regulatory plan. We are reducing the time it takes to process complaints, conduct investigations and complete disciplinary proceedings and are continually making improvements to all aspects of our regulatory work.

We also launched a new project that will assess how we support and assist lawyers and whether we can do more in that regard to fulfill our regulatory mandate. Recommendations are expected in 2013 and will be based, in part, on a survey of the profession.

continued...



Given the first goal of the Law Society's new strategic plan is to be a more innovative and effective professional regulatory body, it is not surprising that 2012 was a year of firsts.

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CEO's Message ...continued

And finally, we implemented a new information management program at the Law Society which, as of January 1, 2013, will allow us to manage our electronic records in a way that is state-of-the-art while giving us the ability to collaborate and source information amongst ourselves to a degree that has never been possible.

With a goal to maximize the working relationship we have with the Ministry of Justice and Attorney General, members of our management team met with the ministry over the course of the year. During these meetings, we were briefed on ministry initiatives, discussed issues of mutual interest, and shared information on our respective organizational structures, staff roles and responsibilities.

Additionally, I have been appointed to a steering committee that has been established by the ministry to consider how best to pursue the recommendation in the recent *White Paper on Justice Reform – Part one: A Modern, Transparent Justice System* for an annual Justice Summit among justice system stakeholders.

The work of the Law Society depends on the commitment of so many and I wish to formally acknowledge and thank them here.

Law Society employees are incredibly dedicated to our public protection mandate, as is evidenced by the results of our annual employee survey which show we have a workforce that fully understands the mandate of the Law Society and is motivated to fulfill that mandate.

Our many volunteers, including the Benchers and other committee members, are also a significant part of the work of the Law Society. They put in many hours to ensure the Law Society fulfills its regulatory role to the high standards the public has every right to expect.

I also want to thank outgoing president, Bruce LeRose, QC, who is a passionate advocate for the work of the Law Society and will continue to advocate for changes that will enhance access to legal services as chair of our Legal Service Providers Task Force.

Lastly, I welcome Art Vertlieb, QC as the 2013 president of the Law Society. Art brings a long history of service to the Law Society and has played a considerable role in many important initiatives, including the recent expansion of the role of paralegals.



Timothy E. McGee
Chief Executive Officer



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Core Process Review Update

In 2012, we made further progress on the core regulatory processes that were identified for improvement in the 2010 core process review. Enhancing our effectiveness with respect to our key regulatory functions is essential to the fulfillment of the Law Society mandate.

Implement an information management system to enhance our ability as regulators by enabling staff to more effectively access information and work collaboratively.

Information is at the heart of all we do at the Law Society and an electronic information management system was necessary to effectively create, manage, share and retain our electronic and paper documents. During 2012, an online information management system was sourced and tested by a cross-functional user group. This new organization-wide integrated tool will be rolled out in early 2013. This was the largest and most complex undertaking of its kind in the history of the Law Society.

Take a fresh look at the scope and method of delivery of our broad range of lawyer support services.

As a regulator, it is important that we provide lawyers with support and assistance programs and services so that they may carry out their duties to the best of their abilities. In 2012, a staff task force began the assessment of the strengths and opportunities of our current model for delivering lawyer advice and support services. The task force will consider what services are most useful, who can best deliver them and how they are best delivered. Recommendations will be made and next steps will be determined in 2013.

Introduce new regulatory initiatives to ensure highly effective investigations and disciplinary actions and significantly reduce timelines.

As part of a new regulatory plan introduced in 2011, a number of changes were made to improve the timely processing of complaints and discipline matters as well as the way in which we conduct investigations. In 2012, the timeliness of complaints closed within one year increased to 92 per cent. Steps are being taken to meet timeliness standards in other areas including the length of time between service of the citation and commencing hearings.

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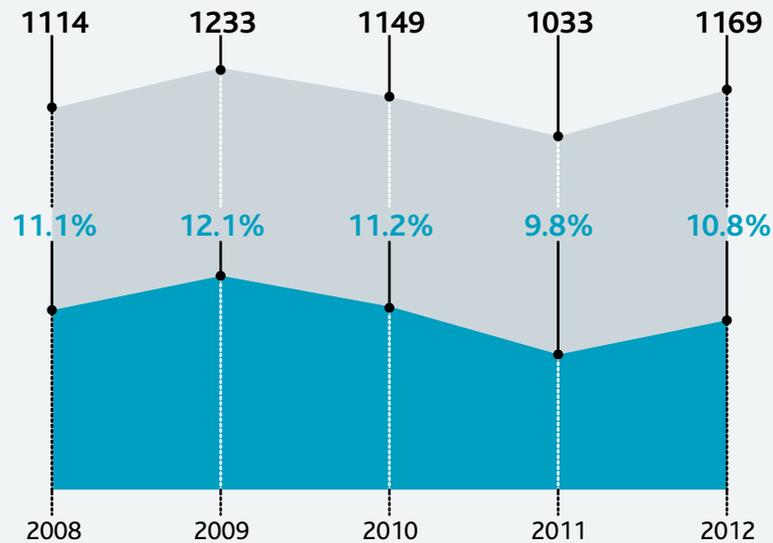
Bellwether Measures

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

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 where not satisfied.

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

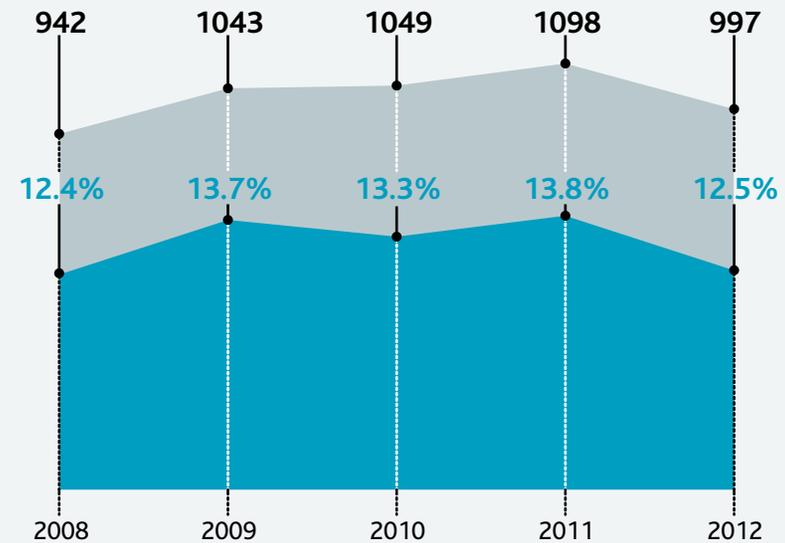


NUMBER OF NEW COMPLAINTS FREQUENCY OF COMPLAINTS

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 insurance reports divided by the median number of insured lawyers.



NUMBER OF REPORTS FREQUENCY OF REPORTS

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Key Performance Measures

This past year has seen ongoing achievement of most of our key performance measure goals. Assessment against these targets provides the Law Society with a means of objectively quantifying and demonstrating to the public how we are doing in fulfilling our mandate. That we did not achieve all our performance marks is also useful as it provides the opportunity to re-assess and make improvements where necessary.



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*

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

- Eighty-eight 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 articulated students and their principals on the preparatory value of the articling experience surpassed our performance objectives.



ONGOING EDUCATION FOR LAWYERS

Ninety-seven per cent of the 10,687 practising lawyers in BC completed and reported their continuing professional development by year end. This mandatory requirement for ongoing education assures the public that a high standard of legal practice is maintained.

"We have seen an ongoing trend of lawyers' increasing compliance with the continuing professional development requirements since our program launched in 2009."

—Lesley Small,
Manager, Member Services
and Credentials



More information:

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

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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

- Seventy-seven per cent of complainants were satisfied with timeliness in the handling of their complaints, exceeding our goal of 75 per cent.
- Fifty-seven per cent of complainants expressed satisfaction with the thoroughness with which complaints were managed and 56 per cent expressed satisfaction with the fairness of the process, less than our target of 65 per cent.
- Eighty-six per cent of complainants were satisfied with the courtesy extended to them and 58 per cent would recommend the complaint process to someone else, slightly below our objectives of 90 percent and 60 percent respectively.



ASSESSING COMPLAINANTS' SATISFACTION AS RECORD NUMBER OF COMPLAINT FILES CLOSED

The Law Society has been working to reduce complaint resolution time and improve the effectiveness of investigations and disciplinary actions. By the end of 2012, 92 per cent of complaint files were closed within one year, leaving the number of open complaint files at the lowest it has been in 11 years. However, we saw a decline in other key performance measures.

We suspect this is largely due to an increase in the number of survey responses that related to complaints that were out of the Law Society's jurisdiction, leaving complainants dissatisfied because their concerns were not resolved. It is also possible that our drive for greater timeliness negatively impacted perceptions in other areas. The Law Society will be closely assessing this in the months to come.

—Deborah Armour, Chief Legal Officer



More information:

- Disposition of complaint files closed in 2012
- Complaints and discipline process

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BC Ombudsperson and Law Society Complainants' Review Committee

Two oversight bodies – the BC Ombudsperson and the Law Society Complainants' Review Committee – consider requests from people unhappy with their complaints about lawyers being dismissed by the Law Society following investigations.

Performance Results

- Seven enquiries were received from the BC Ombudsperson concerning our complaint investigation process, compared with 14 enquiries received in 2011. Out of those seven files, four were closed and three remained open at the end of 2012.
- The Complainants' Review Committee considered 71 complaints as compared to 107 in 2011. The Committee closed 66 of those complaints without further action against the lawyer. Of the remaining five complaints, two cases were referred for further disciplinary action, one lawyer was referred for remedial action and two matters remain outstanding.
- The Complainants' Review Committee closed the year with 11 files being carried over into 2013 as opposed to six files the previous year.



OVERSIGHT GROUPS ASSESS THE LAW SOCIETY

In 2012, the BC Ombudsperson and the Complainants' Review Committee found the Law Society's complaint-handling process and procedures appropriate from the point of view of fairness and due process.

The reviews from these oversight groups are another way to check that we are handling complaints about lawyers properly and in the public interest.

—Graeme Keirstead,
Manager, Intake and Early Resolution



More information:

- BC Ombudsperson
- Complainants' Review Committee

Unauthorized practice

Under the *Legal Profession Act*, only trained, qualified lawyers (or articled students and designated paralegals under a lawyer's supervision) are permitted to provide legal services and advice to the public for a fee. Others are not regulated, nor are they required to carry insurance to compensate clients for errors, omissions or theft. The Law Society will take steps to prevent the unauthorized practice of law where such work threatens the public.

Performance Results

- In 2012, the Law Society opened 63 new investigations into unauthorized practice allegations and reopened several files on individuals who had previously been investigated.
- We received 34 undertakings and 10 injunctions from unauthorized practitioners. Contempt orders were obtained in two cases and BC Court of Appeal orders were obtained in three matters.



**LAW SOCIETY
TAKES ACTION TO
PROTECT THE PUBLIC
FROM UNSCRUPULOUS
PROVIDERS**

Members of the public can risk serious legal and financial consequences by entrusting legal matters to people who claim to be lawyers or who are charging for services they are not competent to provide.

We encourage lawyers and members of the public to notify us of new or recurring unauthorized practice. We will review the information, investigate and take appropriate steps so that unregulated legal providers do not put people at risk.

—Michael Kleisinger,
Unauthorized Practice Counsel



More information:
• **Unauthorized Practice**

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, 100 per cent demonstrated an improvement in competency and efficiency, indicating the effectiveness of the remedial programs and surpassing 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 points or higher by a range of 85 per cent to 99 per cent of lawyer respondents, with the exception of the practice locum programs which fell below the 85 per cent target with an 73 per cent satisfaction rate.



MODERNIZING ONLINE COURSES TO HELP LAWYERS SERVE CLIENTS BETTER

The Law Society provides a wide range of support and online resources to help BC lawyers meet accepted standards and provide their clients with professional and competent legal services.

Technology and best practices for online education constantly evolve. This creates both the opportunity and the responsibility to review and improve the content of existing materials, as well as the ways we make it available to lawyers.

—Kensi Gouden,
Manager, Standards
and Professional Development



More information:
• [Online Learning Centre](#)

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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 on a five-point scale, meeting the performance target of 90 per cent.
- Ninety per cent of lawyers surveyed were satisfied with the quality of the resources to which they were referred, 91 per cent were satisfied overall with the program, and 92 per cent gave the quality of advice a favourable rating; all meeting or exceeding 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 other staff who may be experiencing harassment or inequity in a legal workplace may contact the Equity Ombudsperson for confidential support.



IMPROVING LAWYER SUPPORT SERVICES

In 2012, we began a review of our lawyer support services to determine which are most useful, who can ideally deliver them and how they can best be delivered. It is important that we assist and support lawyers to be aware of, understand, and comply with our regulatory standards and effectively serve their clients.

The role of providing practice advice and support is to help lawyers be the best they can be and to avoid complaints and discipline. If we can strive to provide the highest level of support possible, we can ultimately be better regulators.

—Alan Treleaven,
Director, Education and Practice



More information:

- Practice Resources
- Practice Advisors
- Equity Ombudsperson

Custodianships

Core Function: Ensure practice coverage, including providing 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 18 months.
- The length of time to complete custodianships arising from disciplinary action decreased from a historical average of 48 months to 32 months.
- Eighty-seven per cent of clients surveyed were satisfied with the way their legal matters were handled by the custodian, slightly below the goal of 90 per cent.



SUCCESSION PLANNING: IT'S GOOD PRACTICE

The Law Society partnered with the Continuing Legal Education Society of BC to host a free webinar, *Succession Planning: It's good practice*. The webinar provided expert advice to assist sole practitioners in selecting another lawyer to look after their practices in the event of sudden illness or death.

We encourage sole practitioners to have a pre-chosen successor to give clients the benefit of continuity of care.

—Sherelle Goodwin,
Manager of Custodianships



- More information:
- [Succession Planning](#)
 - [Custodianships](#)

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Trust Assurance

Core Function: Ensure that law firms comply with Law Society Rules regarding proper handling of clients' trust funds and trust accounting records.

Performance Results

- Six per cent of the lawyers audited were referred to professional conduct for further investigation, unchanged from 2011.
- Six financial suspensions were issued by the trust assurance program, equal to the number of suspensions in 2011.
- Based on the last completed trust reporting year, 92 per cent of lawyers filed a self-report trust report, which was consistent with the previous year. The remaining lawyers were required to file an accountant's report.



**2,500 LAW FIRMS
AUDITED IN SIX YEARS**

2012 marks the completion of the first six-year compliance audit cycle. All law firms in the province who operated trust accounts when the audit program launched have now been visited by a Law Society auditor.

Over six years, we completed about 2,500 compliance audits. The result is that lawyers and their clients can feel confident in the law firm's handling of trust funds.

—Felicia Ciolfitto,
Manager, Trust Regulation



More information:

- [Trust Assurance Program](#)

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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.
- 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 90 per cent.



HELPING LAWYERS AVOID OR MANAGE RISKS INHERENT IN PRACTICE

The Law Society works hard to deliver the best possible insurance program for the lowest possible price. A critical part of our delivery model is helping lawyers identify risks inherent in practice and strategies to avoid or manage those risks.

In addition to delivering risk management reports and alerts to every practising lawyer, we actually spoke to over 1,200 lawyers and law students in 2012 through 20 separate presentations.

—Susan Forbes, QC,
Director, Lawyers Insurance Fund



More information:

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

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Hearing Panel Pool Members

Lawyers and members of the public from around the province volunteer to be part of hearing panel pools. Hearing panels include a current lawyer Bencher as chair and two non-Bencher panel members selected from a lawyer pool and a public (non-lawyer) pool.



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

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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)

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)

Master Robert W. McDiarmid (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)

G. Glen Ridgway, QC (2002-2010)

Gavin Hume, QC (2004-2011)

Joost Blom, QC (2004-2011)

Carol W. Hickman, QC (2004-2011)

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

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- Key Performance Measures

CONTRIBUTORS

- Hearing Panel Pool
- Life Benchers

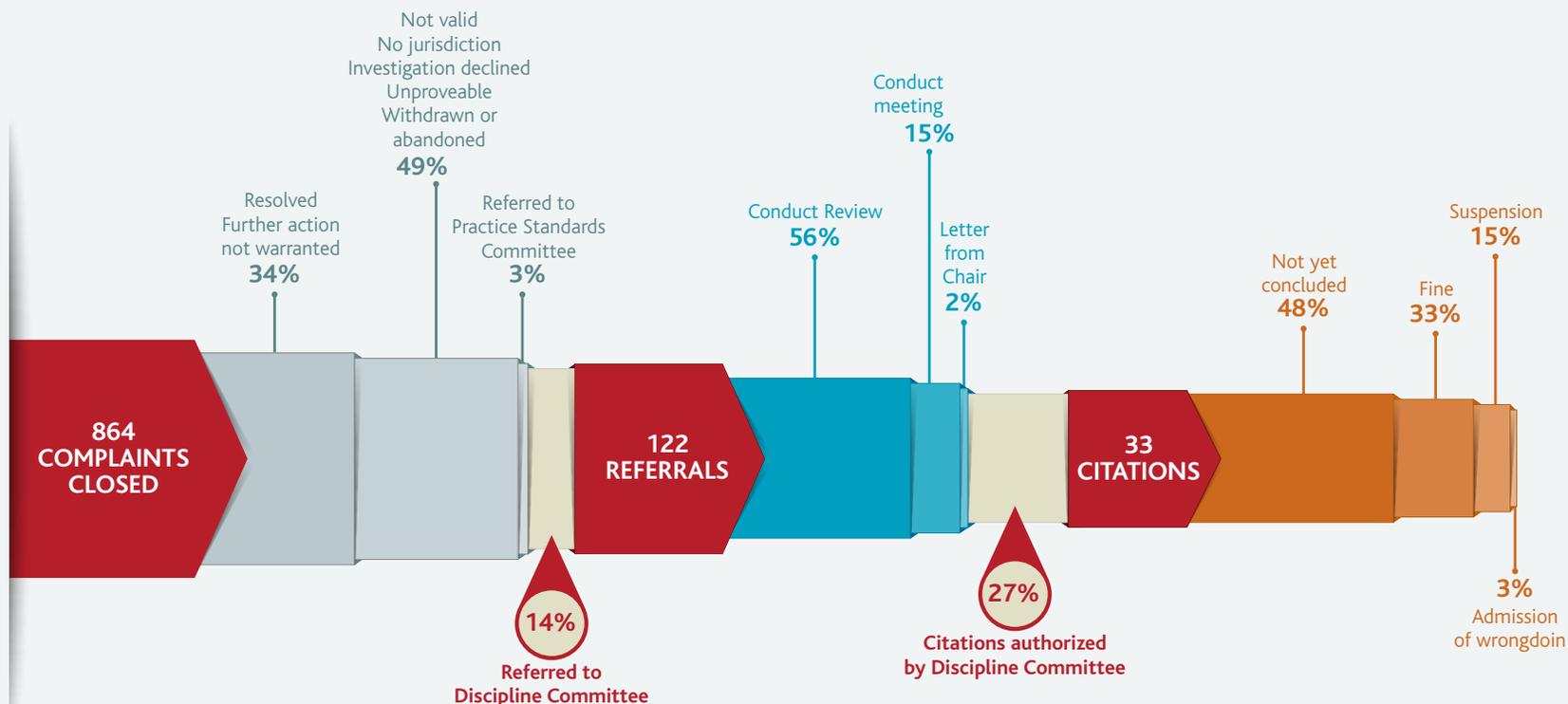
STATISTICS

- Disposition of Complaint Files
- Legal Profession in BC

COMMUNITY

- Public, Education, Charity, Environment

Disposition of Complaint Files Closed in 2012



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.

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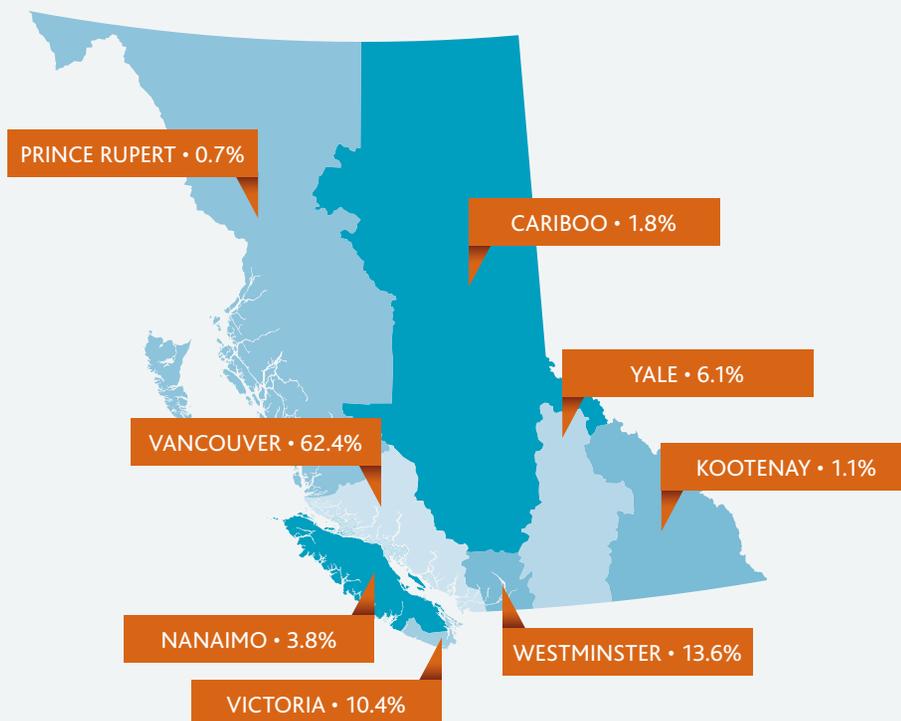
- Disposition of Complaint Files
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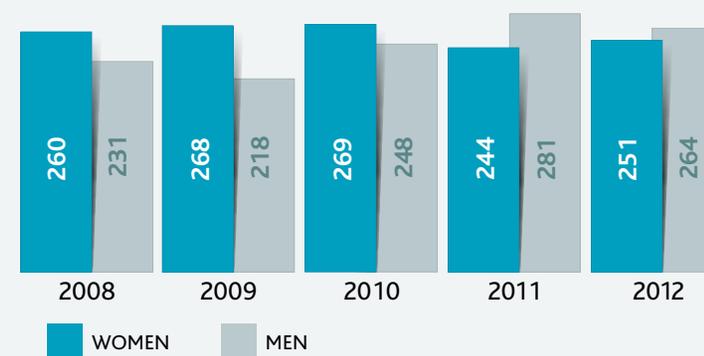
- Public, Education, Charity, Environment

Legal Profession in BC

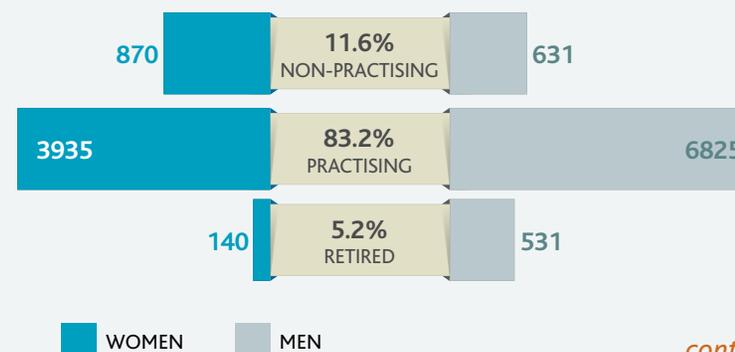
LAWYERS AROUND THE PROVINCE BY ELECTORAL DISTRICT



NEW BC LAWYERS



STATUS OF LAWYERS REGISTERED WITH THE LAW SOCIETY



continued...

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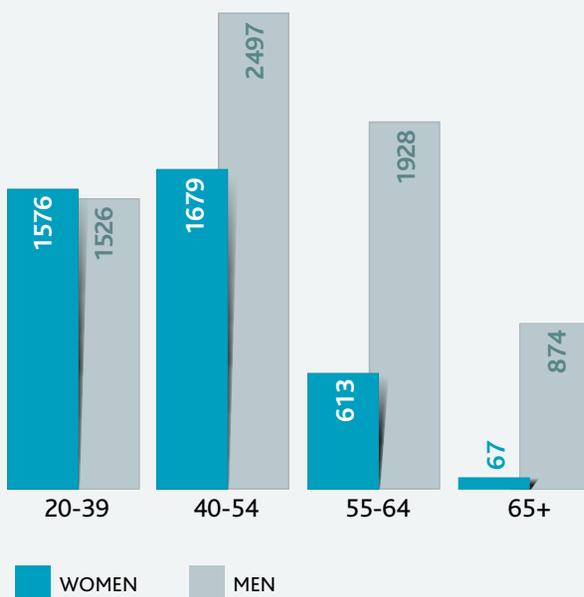
- Disposition of Complaint Files
- Legal Profession in BC

COMMUNITY

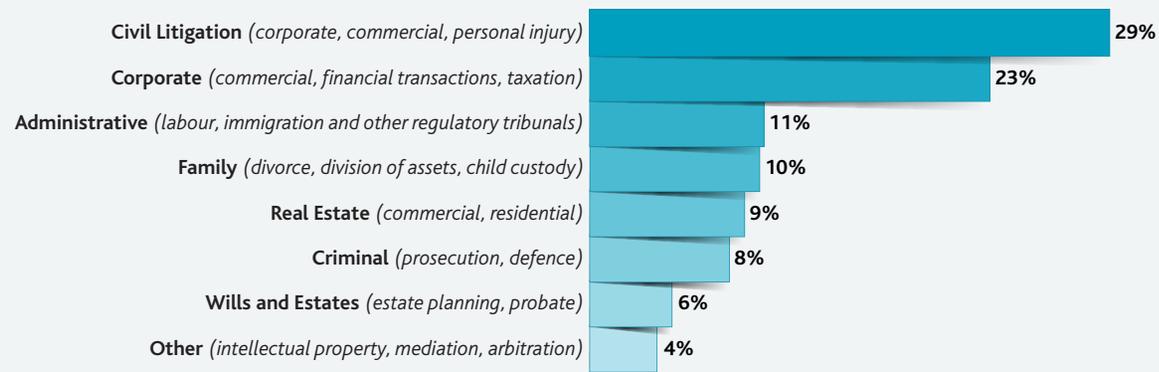
- Public, Education, Charity, Environment

Legal Profession in BC ...continued

AGE DEMOGRAPHIC
OF PRACTISING BC LAWYERS



LEGAL AREAS OF PRACTICE IN BC



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In 2012, the Law Society continued to be committed to sustainable workplace practices, giving back to the community, and supporting the charitable efforts of our employees. Here are some of the highlights of our involvement:

Public



Eight lawyers from the Law Society volunteered at the **Pro Bono Going Public 2012** event in Vancouver. The free legal clinic provided legal advice for low- and modest-income people and raised awareness about BC's pro bono programs.



Our **Twitter Day event** helped to increase public understanding of the Law Society and the value provided by independently regulated lawyers.

Charity



The Law Society's **United Way employee campaign** kicked off with a pancake breakfast. We exceeded our campaign goal and raised over \$39,000 for the United Way.



Law Society employees entered a team and contributed over \$1,300 to the **Scotiabank AIDS Walk for Life**.

Education



The Law Society presented a **\$12,000 scholarship** to a law graduate in BC and **awarded gold medals** to two BC law students.



A **media workshop**, co-sponsored by the Law Society and the Jack Webster Foundation, helped journalists better understand and report to the public on the justice system and legal issues.

Environment



The Law Society expanded its **food scraps composting program** to include additional compostable items and reduce waste.



Law Society staff celebrated Earth Day with a **Clothing and Book Swap**. Cash donations and leftover items were donated to local charities.