



# THE LAW SOCIETY OF BRITISH COLUMBIA

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

2014  
2014 REPORT  
ON PERFORMANCE

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## Our Mandate

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The Law Society of British Columbia regulates the legal profession in BC, protecting the public interest in the administration of justice by setting and enforcing standards of professional conduct for lawyers. We ensure the public is well served by legal professionals who are honourable and competent. We also bring a voice to issues affecting the justice system and the delivery of legal services.

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## President's Message



*Throughout the year, we consistently demonstrated leadership as we dealt with issues, while keeping our sights firmly focused on where the profession is going in the future.*

When we ushered in the New Year in January 2014, we had no idea what the year held for us at the Law Society. Now as I look back, it was a year of great possibility and opportunity — and a year of unforeseen challenges. I can say with confidence that we rose to the challenges and they made us stronger. Throughout the year, we consistently demonstrated leadership as we dealt with issues, while keeping our sights firmly focused on where the profession is going in the future.

The strategic plan we built in 2014 will set the direction for the Law Society from 2015 to 2017. It is a sound plan that clearly demonstrates our commitment to upholding and protecting the public interest in the administration of justice. That is, after all, the object and duty of the Society, and is always uppermost in our mind.

Our work in 2014 was frequently overshadowed by the situation at Trinity Western University, as this required much attention as the issue unfolded. We reviewed a comprehensive application for the proposed law school, webcast two Benchers meetings, held a special general meeting, a referendum and an AGM that drew large numbers of highly engaged members. Throughout this lengthy and often public process, we demonstrated that BC lawyers can debate a contentious issue with the dignity and intelligence befitting our profession.

Meanwhile, the Law Society furthered its commitment to increase diversity in the profession. Visible minority lawyers and Aboriginal lawyers continue to be under-represented in BC, while women continue to leave the profession at a much higher rate than men.

We have made some progress. At a call ceremony I attended this year, the entire front row of the candidates was female. But we have not achieved the goal yet, and we continue to develop Law Society programs that support diversity in the profession. This year, the Justicia program and the Aboriginal mentorship program have evolved and, year over year, the impact will change the face of the legal profession. We've come a long way, but there is still much to be done.

*continued...*

## President's Message *...continued*

Our ongoing commitment to improving access to justice has been the focus of much of our work this year. Today in Canada, almost 12 million Canadians face at least one legal problem in any given three-year period. There are many who do not have the resources to solve these problems. Research tells us that cost, delays, long trials, complex procedures and other barriers prevent Canadians from exercising their legal rights.

This year, the Benchers approved a recommendation of the Legal Services Regulatory Framework Task Force that the Law Society develop a regulatory framework under which existing providers of legal services, and new stand-alone groups, could provide credentialed and regulated legal services in the public interest.

*Our on-going commitment to improving access to justice has been the focus of much of our work this year.*

The thinking was that in several areas of law, persons who had not been to law school but had some level of legal training could still provide appropriate legal advice and assistance in their area of expertise. By adding new categories of legal service providers regulated and credentialed by the Law Society, the hope is that these new providers will help to improve access to legal services in areas of unmet need.

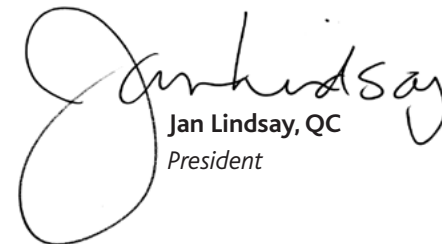
For us, the first step will be a legislative amendment to the *Legal Profession Act* to permit the Law Society to credential and qualify new classes of legal service providers to engage in the practice of law. We're hoping the necessary amendments will be considered by the government in the 2016 legislative cycle, but much of our work will be done around this in 2015.

Another important focus is interprovincial mobility and the need for a consistent approach to standards. In 2014, law societies across Canada agreed to implement a set of national discipline standards developed by the Federation.

The standards reflect law societies' awareness of the importance of having national discipline standards that are consistent, efficient, fair and transparent to protect the public and foster public confidence. The 21 standards address timeliness, openness, public participation, transparency, accessibility and training of adjudicators and investigators.

On a sad note, I would like to acknowledge the sudden passing of Appointed Benchers Ben Meisner. He was passionate and committed to his role at the Benchers table and he proudly and admirably represented the public view. I feel fortunate to have served alongside Ben at the Law Society.

It is said that our profession is steeped in tradition and slow to change. But this year we demonstrated that, as proud as we are of our time-honoured traditions, we can change with the times. I am honoured to have been President of the Law Society, and to have taken part in the important initiatives and changes in 2014. I want to thank the Benchers, our CEO Tim McGee, QC and the staff for their support, guidance and hard work. We made significant progress towards our goals, and I look forward to seeing the fruition of the strategies we set in place as the Law Society moves forward into the future.



**Jan Lindsay, QC**  
President

## Strategic Plan Progress

The Law Society's strategic plan focuses our policy development on issues that are directly aligned with our primary responsibility, under the *Legal Profession Act*, to protect the public interest in the administration of justice.

The goals, strategies and initiatives set out in our three-year strategic plan are in addition to our core regulatory programs, such as discipline, credentials, and practice standards. The overall operation of these programs is the foundation of the Law Society and essential to fulfilling our mandate.

### MORE INFORMATION

- 2012-2014 Law Society Strategic Plan
- 2015-2017 Law Society Strategic Plan

### Strategic Goal 1: Innovative and effective regulator

#### Regulation of law firms

The Law Firm Regulation Task Force was established in 2014 to look at law firm regulation in BC. The task force is expected to make recommendations for a framework for the regulation of law firms after consulting with BC lawyers, other regulatory experts, and legal regulatory bodies in other jurisdictions.

#### Dual role as insurer and regulator of lawyers

A working group was established to look at two options for addressing the tension that exists between the Law Society's responsibilities as both regulator and insurer of lawyers. The working group is expected to report on its analysis and recommendations in 2015.

#### Lawyer wellness programs

The Law Society, along with other law societies across Canada, took steps to improve the uptake of lawyer wellness programs through its support for the Canadian Bar Association's Lawyer Wellness Initiative.

#### Regulation of all legal service providers

The Legal Services Regulatory Framework Task Force reported to the Benchers at year-end, recommending that the Law Society seek an amendment to the *Legal Profession Act* to permit the Law Society to regulate non-lawyer legal service providers. In the course of its work, the task force heard from legal professionals and the public through written submissions and public consultations. After careful consideration of all the issues, the task force concluded that the Law Society should be looking at credentialing and regulating other legal service providers as one means of addressing concerns about access to justice in BC.

#### National admission standards

The Law Society continued a review of its admission program while taking into account the Federation of Law Societies of Canada's development of proposals for implementation of the National Entry-Level Competency Profile.

“Access to justice is a big issue, obviously, and I want to see the Law Society continue the important work that has been done to increase the availability of affordable legal services. The increased scope of practice for designated paralegals in BC is one of the most significant achievements by the Benchers in the past few years, and now it is time for the next step in the process.”

Art Vertlieb, QC, Chair, Legal Services Regulatory Framework Task Force

## Strategic Plan Progress

### Strategic Goal 2: Access to legal services

#### Improve affordability of legal services

The Provincial Court extended the Family Law Pilot Project until October 1, 2015 to allow for a review with the Court. The Supreme Court pilot was not extended. These pilot projects permit designated paralegals to make limited appearances in court to deal with certain procedural applications in family law.

The Law Society doubled its financial support to the Law Foundation to support pro bono organizations and a new fund for discrete access to justice initiatives.

#### Retention of women lawyers

The Law Society endorsed Justicia model policies and best practice materials for parental leave, flexible work arrangements and demographic data.

#### Mentorship program for Aboriginal lawyers

Twenty junior Aboriginal lawyers were matched with experienced lawyers in 2014 to establish mentor-mentee relationships. "Meet and greet" sessions were held to encourage participation in the second cycle of the Aboriginal Lawyers Mentorship Program.

#### Access to lawyers in rural communities

The Law Society provided \$50,000 in funding for the Rural Education and Access to Lawyers (REAL) initiative. The REAL program seeks to address the shortage of lawyers practising in smaller communities throughout BC by placing summer students in rural areas.

### Strategic Goal 3: Public confidence

#### Communicating regulatory issues to the public

Lawyers and the public were engaged in the debate about Trinity Western University's proposed law school. This situation also garnered much media attention. As this lengthy and complex issue unfolded, the Law Society consistently demonstrated a commitment to transparency. The Law Society webcast the Benchers' debate and their vote on TWU motions at two Benchers' meetings. A special general meeting was held and an audio recording was made available on our website for lawyers and members of the public who were unable to attend. Close to 400 documents related to the TWU issue were also published on our website to help keep lawyers, the public and the media informed and confident in our role in this regulatory and legal process.

#### Public education about Law Society's role

The Law Society is one of the sponsors of Law Week, an annual Canadian Bar Association educational event for the public. During Law Week 2014, the Law Society launched a series of videos to provide a brief introduction to some of our services, such as trust protection coverage, the Aboriginal Lawyers Mentorship Program, and the Fee Mediation Program.

**The training, retention and advancement of Aboriginal lawyers contribute to the strength of the legal profession, particularly in the area of Aboriginal law. Aboriginal law is supposed to be inter-societal law. It's supposed to reflect Indigenous laws and legal systems. Indigenous people with a foot in both worlds are the best people to explain [Indigenous law] to our judges and to ensure the proper implementation and operation of both legal systems in Canada.**

**Cheryl Sharvit, mentor and BC lawyer practising Aboriginal law for 15 years**

## 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 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.



**FRONT,  
LEFT TO RIGHT:**

Peter B. Lloyd, FCA  
*(Appointed Bencher)*

Pinder K. Cheema, QC  
*(Victoria County)*

Joseph Arvay, QC  
*(Vancouver County)*

C.E. Lee Ongman  
*(Cariboo County)*

**FIRST VICE-PRESIDENT**  
**Kenneth M. Walker, QC**  
*(Kamloops District)*

**PRESIDENT**  
**Jan Lindsay, QC**  
*(Westminster County)*

**SECOND VICE-PRESIDENT**  
**E. David Crossin, QC**  
*(Vancouver County)*

Herman Van Ommen, QC  
*(Vancouver County)*

Jeevyn Dhaliwal  
*(Vancouver County)*

CEO Timothy E. McGee, QC

**MIDDLE,  
LEFT TO RIGHT:**

Haydn Acheson  
*(Appointed Bencher)*

Dean P.J. Lawton  
*(Victoria County)*

Miriam Kresivo, QC  
*(Vancouver County)*

A. Cameron Ward  
*(Vancouver County)*

Sharon Matthews, QC  
*(Vancouver County)*

Elizabeth Rowbotham  
*(Vancouver County)*

Martin Finch, QC  
*(Westminster County)*

David W. Mossop, QC  
*(Vancouver County)*

Satwinder Bains  
*(Appointed Bencher)*

Sarah Westwood  
*(Prince Rupert County)*

Tony Wilson  
*(Vancouver County)*

Maria Morellato, QC  
*(Vancouver County)*

Philip Riddell  
*(Westminster County)*

David Corey  
*(Appointed Bencher)*

**BACK,  
LEFT TO RIGHT:**

Nancy G. Merrill  
*(Nanaimo County)*

Tom Fellhauer  
*(Okanagan District)*

Craig A.B. Ferris, QC  
*(Vancouver County)*

Jamie Maclaren  
*(Vancouver County)*

Benjimen Meisner  
*(Appointed Bencher)*

Lynal E. Doerksen  
*(Kootenay County)*

Gregory A. Petrisor  
*(Cariboo County)*

Claude Richmond  
*(Appointed Bencher)*

## Appointed Benchers

Public representation at the Bencher table is an integral part of ensuring the voice of the public is heard in the governance of the Law Society. To this end, the provincial government appoints six members of the public who are not lawyers, to serve as Law Society Benchers. Appointed Benchers participate equally in Bencher meetings, Law Society committees and task forces, and discipline and credentials hearings.

Following is a statement from the Appointed Benchers about the Law Society's 2014 operations:

In 2014, a considerable amount of time at the Bencher table was spent discussing and debating an issue of great interest to the public — the proposed law school at Trinity Western University. As this matter pitted two *Charter* rights — religious freedom and equality — against each other, it was a challenging decision for the Benchers.

There are many other important initiatives underway at the Law Society, and 2015 will re-focus our energy on other priorities, like access to justice, that deserve our full attention. The new 2015 to 2017 Strategic Plan is an opportunity to explore new ways to increase access to legal services, to ensure the public is well served by an innovative and effective Law Society, and that the public has greater confidence in the rule of law and the administration of justice. The Appointed Benchers anticipate continuing to bring their unique perspectives to all of these issues.



### Front, left to right:

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

**Haydn Acheson** is President and General Manager of Coast Mountain Bus Company, TransLink's largest operating company.

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

**David Corey** is the Executive Officer of the Victoria Real Estate Board and a Director of the Greater Victoria Development Agency.

### Back, left to right:

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

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

*The Law Society was saddened by the passing of Appointed Bencher Benjimen Meisner in April 2015.*



# Committees, Task Forces and Working Group



**Jan Lindsay, QC**  
*Chair*  
 Executive Committee  
 Appointments Subcommittee  
 Litigation Subcommittee



**David W. Mossop, QC**  
*Chair*  
 Access to Legal Services  
 Advisory Committee  
 Credentials Committee



**Kenneth M. Walker, QC**  
*Chair*  
 Finance and Audit Committee  
 Regulation and Insurance  
 Working Group  
 Tribunal Program Review  
 Task Force



**C.E. Lee Ongman**  
*Chair*  
 Unauthorized Practice  
 Committee



**Life Bencher  
 Carol Hickman, QC**  
*Chair*  
 Family Law Task Force

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. Working groups also include Law Society managers.

## 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:**  
 Jan Lindsay, QC (*Chair*)  
 Kenneth M. Walker, QC (*Vice-chair*)  
 Haydn Acheson  
 E. David Crossin, QC  
 Miriam Kresivo, QC  
 Nancy G. Merrill  
 Herman Van Ommen, QC

### Act and Rules

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

**BENCHERS:**  
 Tom Fellhauer (*Chair*)  
 Jeevyn Dhaliwal  
 Lynam E. Doerksen  
 C.E. Lee Ongman  
 Elizabeth Rowbotham

### Complainants' Review

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

**BENCHERS:**  
 Satwinder Bains (*Chair*)  
 Claude Richmond (*Vice-chair*)  
 Pinder K. Cheema, QC  
 Sarah Westwood

**NON-BENCHERS:**  
 Julie Lamb  
 Amrik Narang

### 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 W. Mossop, QC (*Chair*)  
 Haydn Acheson (*Vice-chair*)  
 Joseph Arvay, QC  
 Pinder K. Cheema, QC  
 Dean P.J. Lawton  
 Sharon Matthews, QC  
 Claude Richmond  
 A. Cameron Ward

**NON-BENCHERS:**  
 Grant Weaver  
 Life Bencher David M. Renwick, QC

### Discipline

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

**BENCHERS:**  
 Philip Riddell (*Chair*)  
 Maria Morellato, QC (*Vice-chair*)  
 Jeevyn Dhaliwal  
 Craig A.B. Ferris, QC  
 Peter B. Lloyd, FCA  
 Benjimen Meisner  
 Gregory A. Petrisor

**NON-BENCHERS:**  
 Edmund Caissie  
 Fiona Hunter  
 Paul Love

### Ethics

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

**BENCHERS:**  
 E. David Crossin, QC (*Chair*)  
 Miriam Kresivo, QC (*Vice-chair*)  
 Satwinder Bains  
 Elizabeth Rowbotham  
 Herman Van Ommen, QC

**NON-BENCHERS:**  
 Life Bencher Gavin Hume, QC  
 Brian Harvey  
 Stanley Martin  
 Edward Montague

### Finance and Audit

The Finance Committee and the Audit Committee merged on January 1, 2014.

Provides oversight over the financial affairs of the Law Society, makes recommendations on annual fees, reviews annual budgets and periodically reviews financial and investment results. Oversees the external audit process and provides oversight over the internal controls and enterprise risk management of the Law Society.

**BENCHERS:**  
 Kenneth M. Walker, QC (*Chair*)  
 Peter B. Lloyd, FCA (*Vice-chair*)  
 Tom Fellhauer  
 Craig A.B. Ferris, QC  
 Miriam Kresivo, QC

**NON-BENCHERS:**  
 Bill Maclagan, QC  
 Peter Kelly

### Governance

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

**BENCHERS:**  
 Miriam Kresivo, QC (*Chair*)  
 Haydn Acheson (*Vice-chair*)  
 E. David Crossin, QC  
 Herman Van Ommen, QC  
 Dean P.J. Lawton  
 Sharon Matthews, QC  
 Elizabeth Rowbotham

**NON-BENCHER:**  
 Stacy Kuiack

## Committees, Task Forces and Working Group



**Tom Fellhauer**  
*Chair*  
Act and Rules Committee



**Philip Riddell**  
*Chair*  
Discipline Committee



**Miriam Kresivo, QC**  
*Chair*  
Governance Committee



**Maria Morellato, QC**  
*Chair*  
Equity and Diversity Advisory Committee



**Art Vertlieb, QC**  
*Chair*  
Legal Services Regulatory Framework Task Force

### Practice Standards

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

**BENCHERS:**  
Nancy G. Merrill (*Chair*)  
Tony Wilson (*Vice-chair*)  
David Corey  
Lynal E. Doerksen  
Tom Fellhauer  
Martin Finch, QC  
Jamie Maclaren  
C.E. Lee Ongman  
Sarah Westwood

**NON-BENCHERS:**  
Jennifer Johnston  
Christopher McEwan

### 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.

**BENCHERS:**  
C.E. Lee Ongman (*Chair*)  
David Corey  
Lynal E. Doerksen  
Elizabeth Rowbotham

### Advisory Committees

#### Access to Legal Services

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

**BENCHERS:**  
David W. Mossop, QC (*Chair*)  
Nancy G. Merrill (*Vice-chair*)  
Joseph Arvay, QC  
Sharon Matthews, QC  
Philip Riddell  
Sarah Westwood

**NON-BENCHERS:**  
Lawrence Alexander  
Michael Mulligan  
Rose Singh

#### Equity and Diversity

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

**BENCHERS:**  
Maria Morellato, QC (*Chair*)  
Satwinder Bains (*Vice-chair*)  
Jamie Maclaren  
A. Cameron Ward

**NON-BENCHERS:**  
Life Bencher Kathryn Berge, QC  
Robert D. Holmes, QC  
Linda Locke, QC  
Suzette Narbonne  
Daniele Poulin  
Linda Robertson

### Lawyer Education

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

**BENCHERS:**  
Tony Wilson (*Chair*)  
Martin Finch, QC  
Dean P.J. Lawton

**NON-BENCHERS:**  
Life Bencher Thelma O'Grady (*Vice-chair*)  
Mary Childs  
Meghan Maddigan

### Rule of Law and Lawyer 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.

**BENCHERS:**  
E. David Crossin, QC (*Chair*)  
Jeevyn Dhaliwal  
Benjimen Meisner  
Gregory A. Petrisor  
Herman Van Ommen, QC

**NON-BENCHERS:**  
Life Bencher Leon Getz, QC (*Vice-chair*)  
Jon Festinger  
Sandra Weafer

### Task Forces

#### 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:**  
Nancy G. Merrill  
C.E. Lee Ongman  
Gregory A. Petrisor

**NON-BENCHERS:**  
Life Bencher Carol Hickman, QC (*Chair*)  
Life Bencher Kathryn Berge, QC  
Life Bencher Richard N. Stewart, QC

#### Legal Services Regulatory Framework

Develops a regulatory framework by which other existing providers of legal services, or new stand-alone groups who are neither lawyers nor notaries, could provide credentialed and regulated legal services in the public interest.

**BENCHERS:**  
E. David Crossin, QC (*Vice-chair*)  
Satwinder Bains  
Jeevyn Dhaliwal  
C.E. Lee Ongman

**NON-BENCHERS:**  
Life Bencher Art Vertlieb, QC (*Chair*)  
Karey Brooks  
Nancy Carter  
Dean Crawford  
Carmen Marolla  
Wayne Robertson, QC  
Ken Sherk

# Committees, Task Forces and Working Group



**Satwinder Bains**  
*Chair*  
Complainants' Review  
Committee



**E. David Crossin, QC**  
*Chair*  
Ethics Committee  
Rule of Law and Lawyer  
Independence Advisory  
Committee



**Nancy G. Merrill**  
*Chair*  
Practice Standards Committee



**Tony Wilson**  
*Chair*  
Lawyer Education Advisory  
Committee



**Herman Van Ommen, QC**  
*Chair*  
Law Firm Regulation Task Force

## Task Forces ...continued

### Tribunal Program Review

Reviews the progress of changes to the tribunal system implemented since 2011, recommends changes for improvement of the system and correction of any problems, and identifies any further reforms that the Benchers should consider.

**BENCHERS:**  
Kenneth M. Walker, QC (*Chair*)  
Haydn Acheson  
Pinder K. Cheema, QC  
David W. Mossop, QC

**NON-BENCHERS:**  
David Layton  
Linda Michaluk

### Law Firm Regulation

Recommends a framework for the regulation of law firms resulting from a 2012 amendment to the *Legal Profession Act* giving the Law Society authority to regulate law firms in addition to regulating individual lawyers.

Herman Van Ommen, QC (*Chair*)  
Martin Finch, QC  
Peter B. Lloyd, FCA  
Sharon Matthews, QC

**NON-BENCHERS:**  
Jan Christiansen  
Lori Mathison  
Angela Westmacott, QC  
Henry Wood, QC

## Working Group

### Regulation and Insurance

Reviews options that could be taken to more transparently separate or distinguish the regulatory functions from the insurance functions of the Law Society, based on recommendations from the Rule of Law and Lawyer Independence Advisory Committee.

**BENCHERS:**  
Kenneth M. Walker, QC (*Chair*)  
Haydn Acheson  
Miriam Kresivo, QC  
Herman Van Ommen, QC

**NON-BENCHERS:**  
Deborah Armour  
Su Forbes, QC  
Michael Lucas  
Jeanette McPhee  
Vincent Orchard, QC  
Don Yule, QC  
Timothy E. McGee, QC  
(*ex-officio member*)

## Subcommittees

### 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:**  
Jan Lindsay, QC (*Chair*)  
Kenneth M. Walker, QC  
E. David Crossin, QC

### Litigation

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

**BENCHERS:**  
Jan Lindsay, QC (*Chair*)  
Kenneth M. Walker, QC  
E. David Crossin, QC

## CEO's Message



*Our employees are a diverse group with a wide range of skills, educational backgrounds and life experiences. This serves us very well given the often complex and challenging issues which we face in carrying out our regulatory responsibilities.*

2014 was a remarkable year in many ways. We webcast two Benchers meetings, held a special general meeting of members and conducted a province-wide referendum, in each case to address issues arising from the consideration of the proposed law school at Trinity Western University. Despite these extraordinary events, I am pleased to report that we continued to deliver on our key regulatory programs and our operational priorities for the year.

This is the eighth year that the Law Society has reported on our key performance measures (KPMs). The KPMs were established by the Benchers to serve as indicators of the effectiveness of our regulatory operations. For example, the KPMs measure, among other things, the public's satisfaction with the timeliness, thoroughness and fairness of our complaints handling process, and the usefulness of our practice advice service. We met our goals in almost all KPM categories and, in some areas, saw significant year-over-year improvement in results.

In 2014, we celebrated the 30th anniversary of our Professional Legal Training Course (PLTC). It was also a significant anniversary because enrollment in PLTC reached an all-time high of 465 students in the year. This growth has been driven both by continuing strong demand from the graduates of BC law schools but also graduates from other provinces and foreign graduates transferring to BC under the national mobility program. These and other factors led the Benchers to undertake a comprehensive review of all aspects of our bar admission program in 2015 as part of the Law Society's new three-year Strategic Plan.

A major accomplishment in 2014 was the delivery of the report of the Legal Services Regulatory Framework Task Force chaired by former Law Society President Art Vertlieb, QC. This report and its recommendations were adopted unanimously by the Benchers and chart a path for a more effective role for non-lawyers in the delivery of legal services in areas of underserved and unmet demand.

Every year, I take this opportunity to thank our talented and committed staff for the work they do in support of the Law Society's public interest mandate. Our employees are a diverse group with a wide range of skills, educational backgrounds and life experiences. This serves us very well given the often complex and challenging issues which we face in carrying out our regulatory responsibilities.

*continued...*

## CEO's Message *...continued*

We were very fortunate to be led in 2014 by our President Jan Lindsay, QC. Jan brought a steady hand to the exceptional challenges brought on by our consideration of the Trinity Western University matter and she also did so with resolve and compassion in equal measure. She consistently put the public interest first and we are grateful for her leadership.

*I look forward to the future with a sense of optimism that we are better positioned now than ever before to fulfill our goal of being a model regulator for the profession, all in the public interest.*

Our Benchers and many volunteers also deserve congratulations and thanks for the thousands of hours contributed to Law Society business in 2014. It never escapes me or any of my colleagues that you are all volunteers and you give of your talents and your time to serve your community and the legal profession. On behalf of our staff at the Law Society, thank you for everything that you do.

Sadly, I acknowledge the passing in early 2015 of Ben Meisner, an Appointed Bencher since 2010. Ben was a strong voice for the public interest and we all benefitted from his many contributions. He shall be missed.

Finally, as I reflect on the year that was, I look forward to the future with a sense of optimism that we are better positioned now than ever before to fulfill our goal of being a model regulator for the profession, all in the public interest.



Timothy E. McGee, QC  
*Chief Executive Officer*

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### Executive Team

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

Deborah Armour  
*Chief Legal Officer*

Susan Forbes, QC  
*Director, Lawyers Insurance Fund*

Jeffrey Hoskins, QC  
*Tribunal and Legislative Counsel*

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

Alan Treleaven  
*Director, Education and Practice*

Adam Whitcombe  
*Chief Information and Planning Officer*

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# Key Performance Measures

Key performance measures provide the Law Society with a means of objectively quantifying and demonstrating how well we are fulfilling our mandate.

## Bellwether Measures

The two bellwether measures are indicators of long-term trends which are important to our regulatory processes.

### FREQUENCY OF COMPLAINTS

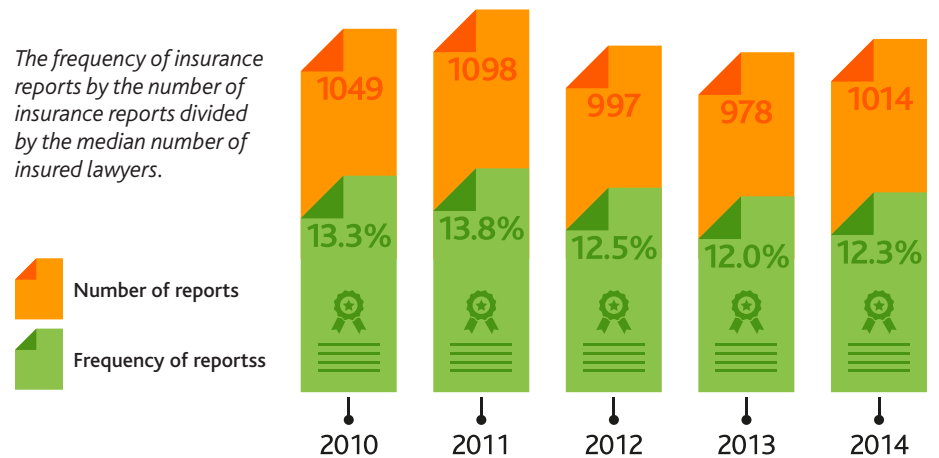
Measuring the frequency of complaints provides some indication of the extent to which proactive steps to protect the public are working, therefore resulting in fewer complaints year over year.



The majority of our goals were achieved this year. The key performance measures that did not meet our targets provide an opportunity to reassess and make improvements where necessary.

### 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 the legal services delivered may have failed to meet acceptable standards.



## Key Performance Measures *...continued*

### 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

**84%** of complainants were satisfied with timeliness in the handling of their complaints; and

**70%** would recommend the complaint process to someone else.

→ Exceeded our goals of 75 per cent and 60 per cent respectively

**70%** of complainants expressed satisfaction with the fairness of the process; and

**72%** expressed satisfaction with the thoroughness with which complaints were managed.

→ Surpassed the target of 65 per cent

**90%** of complainants were satisfied with the courtesy extended to them.

→ Met our objective of 90 per cent

#### MORE INFORMATION

- 2014 Complaints results
- Complaints and discipline process

### Law Society Complainants' Review Committee and BC Ombudsperson

#### CORE FUNCTION

The Law Society Complainants' Review Committee and the BC Ombudsperson consider requests from people dissatisfied with their complaints about lawyers being dismissed by the Law Society following investigations.

In 2014, both of these oversight groups found the Law Society's complaint-handling processes and procedures appropriate.

#### ASSESSMENT RESULTS

**80** complaints were considered by the Complainants' Review Committee. The committee closed 79 of those complaints without further action against the lawyer. The remaining complaint was referred to the Discipline Committee, which resulted in the lawyer receiving a letter from the chair.

→ Compared to 73 complaints in 2013

**7** enquiries were received from the BC Ombudsperson concerning our complaint investigation process. Out of those seven files, six were closed and one remained open at the end of 2014.

→ Compared to two enquiries received in 2013

#### MORE INFORMATION

- Complainants' Review Committee
- BC Ombudsperson

### National Discipline Standards

The Law Society participates in the Federation of Law Societies of Canada's National Discipline Standards program, which has set uniformly high standards for all stages of the processing of complaints and disciplinary matters.

The 21 standards relate to timeliness, fairness, transparency, and public participation and accessibility in matters dealing with complaints about, and discipline of, members of the legal profession. The Law Society formally adopted these standards in 2014.

The Law Society currently meets or surpasses most national discipline standards and is working towards implementation of the few remaining.

## Key Performance Measures *...continued*

### Admissions and Credentials

#### CORE FUNCTION

Ensure that new and transferring lawyers are properly qualified and of good character before practising law in BC and that current lawyers are registered and meet continuing professional development requirements.

#### PERFORMANCE RESULTS

**89%** of students achieved an initial pass in the Professional Legal Training Course.

→ Exceeded our goal of 85 per cent

**3.7** The students' rating of the value of the Professional Legal Training Course on a five-point scale, where a rating of one was lowest and five was highest.

→ Exceeded our target of an average of 3.5 or higher

**3.4** The articling principals' rating of the value of the Professional Legal Training Course.

→ Slightly below our target average of 3.5

**3.9** The rating from articled students on the preparatory value of the articling experience, based on a five-point scale, where a rating of one was lowest and five was highest.

**4.3** The rating from articling principals on the preparatory value of the articling experience.

→ Both exceeded our target average of 3.5

#### MORE INFORMATION

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

### Practice Standards

#### CORE FUNCTION

Address issues of lawyer competence by providing online educational courses and practice management resources, conducting practice reviews of lawyers whose competence is in question, and recommending and monitoring remedial programs.

#### PERFORMANCE RESULTS

**100%** of the lawyers who completed their referral to the Practice Standards program demonstrated an improvement in competency; and  
of the referrals were completed efficiently, indicating the effectiveness of the remedial programs.

→ Surpassed our goals of at least 66 per cent in both categories

**85%** of lawyers surveyed on the effectiveness of the five online practice support resources rated four of the resources at three points or higher, based on a five-point scale where a rating of one was lowest and five was highest.

→ Met and exceeded our 85 per cent target for four of the five resources.

**75%** of lawyers surveyed on the effectiveness of the online practice locum program rated it at a satisfaction level of three points or higher, based on a five-point scale where a rating of one was lowest and five was highest.

→ Below our 85 per cent target

#### MORE INFORMATION

- Online Learning Centre

### Practice Advice

#### CORE FUNCTION

Assist the legal profession to serve the public effectively by providing advice and support to lawyers on ethical and practice management issues.

#### PERFORMANCE RESULTS

**90%** of lawyers surveyed to assess the effectiveness of the Practice Advice program rated the timeliness of the advice and the quality of the resources to which they were referred at three points or higher on a five-point scale.

→ Met our target of 90 per cent

**91%** of lawyers surveyed were satisfied with the quality of advice.

→ Exceeded our 90 per cent objective

**91%** of lawyers surveyed were satisfied overall with the program.

→ Surpassed our 90 per cent objective

#### MORE INFORMATION

- Practice Resources
- Practice Advisors
- Equity Ombudsperson

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



## Key Performance Measures *...continued*

### 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

**25** months to complete custodianships due to death or disability issues.

→ Slightly above a historical average of 24 months

**36** months to complete custodianships arising from disciplinary action.

→ A decrease in the historical average of 48 months

**100%** of clients surveyed were satisfied with the way their matters were handled by the custodian.

→ Exceeded our target of 90 per cent

#### MORE INFORMATION

- Succession planning
- Custodianships

### 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

**9%** of the lawyers audited were referred to Professional Conduct for further investigation.

→ Compared to eight per cent in 2013

**8** financial suspensions were issued by the Trust Assurance program.

→ Compared to one suspension in 2013

**93%** of lawyers filed a self-report trust report, based on the last completed trust reporting year. The remaining lawyers were required to file an accountant's report.

→ Compared to 94 per cent the previous year

#### MORE INFORMATION

- Trust Assurance Program

### Lawyers Insurance Fund

#### CORE FUNCTION

Ensure clients are reasonably compensated if a lawyer is negligent or misappropriates trust funds.

#### PERFORMANCE RESULTS

**100%** of 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.

**97%** of the lawyers represented by the Lawyers Insurance Fund gave the program high marks of four or five on a five-point scale.

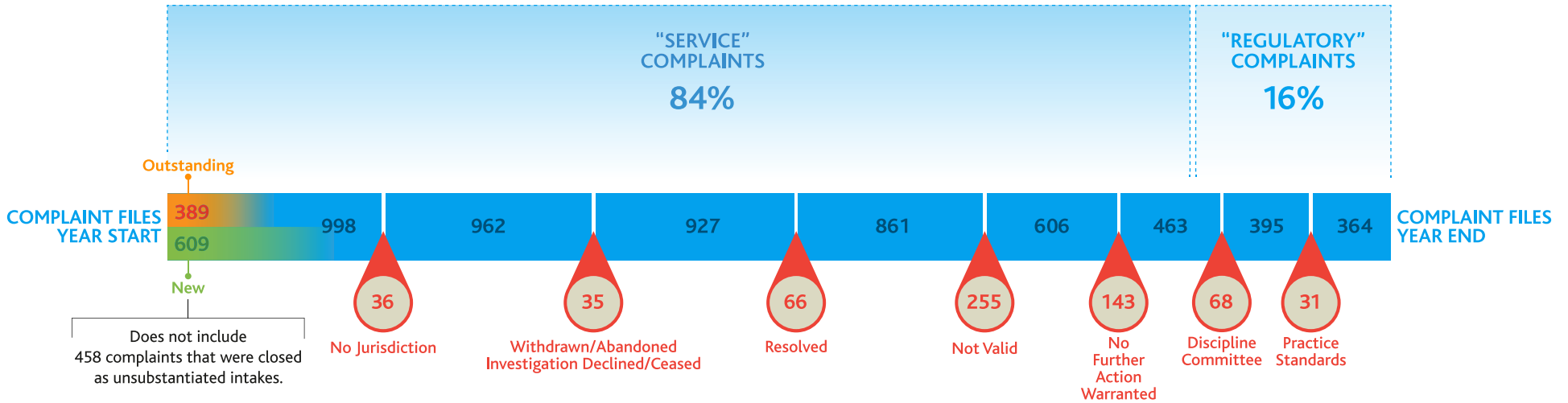
→ Exceeded the target of 90 per cent

Third-party auditors found that LIF's goal of resolving claims in a cost-effective manner, while balancing the interests of the insured lawyer, the claimant and the Law Society members, was clearly being met — or exceeded — by this highly effective and passionate group.

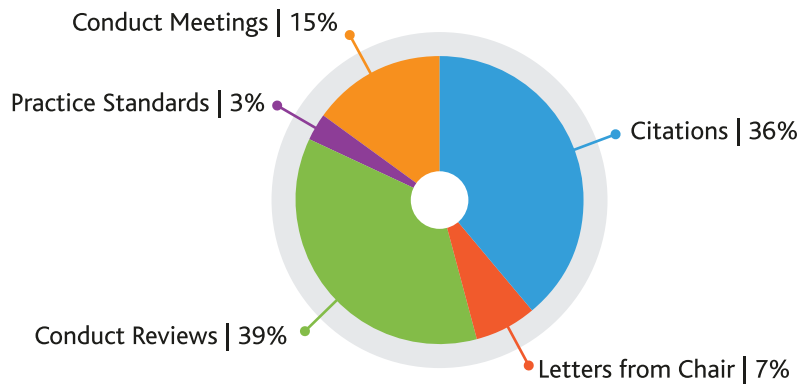
#### MORE INFORMATION

- Lawyers Insurance Fund
- Professional liability and misappropriation insurance

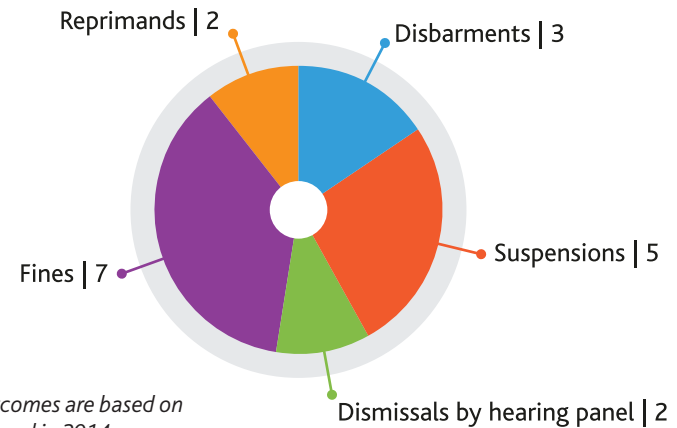
# 2014 Complaints Results



## DISCIPLINE COMMITTEE DISPOSITIONS



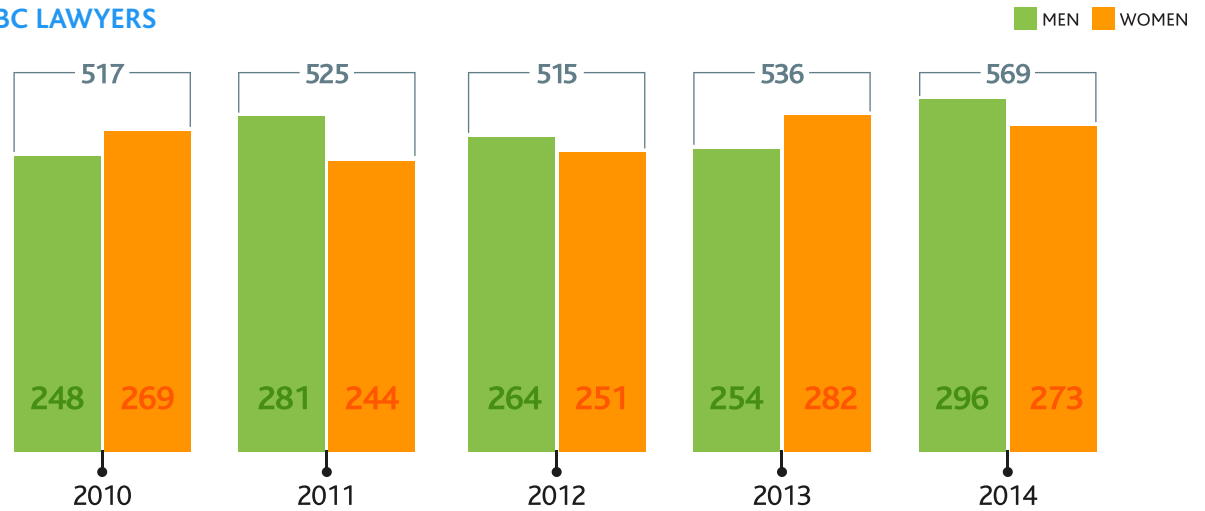
## CITATION OUTCOMES



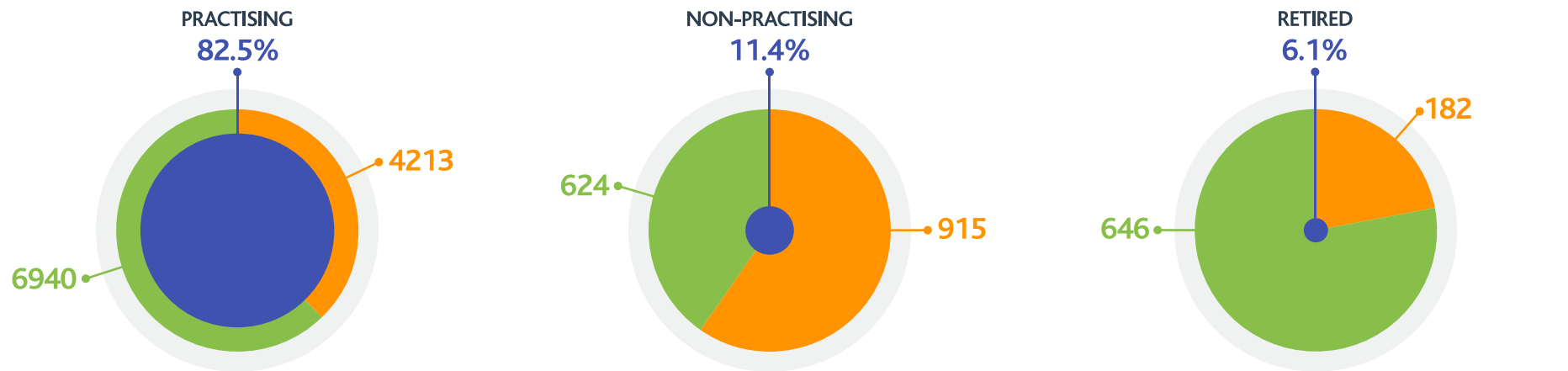
# Legal Profession in BC

Our statistics show trends that may influence the delivery of legal services by BC lawyers in the future. Law Society programs such as Justicia and Aboriginal Lawyers Mentorship and the Rural Education and Access to Lawyers initiative (a joint contribution with the Canadian Bar Association, BC Branch) are designed to address disparities related to age, gender and geography.

NEW BC LAWYERS



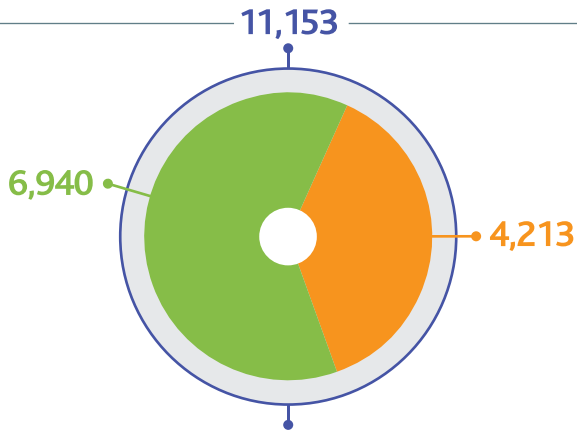
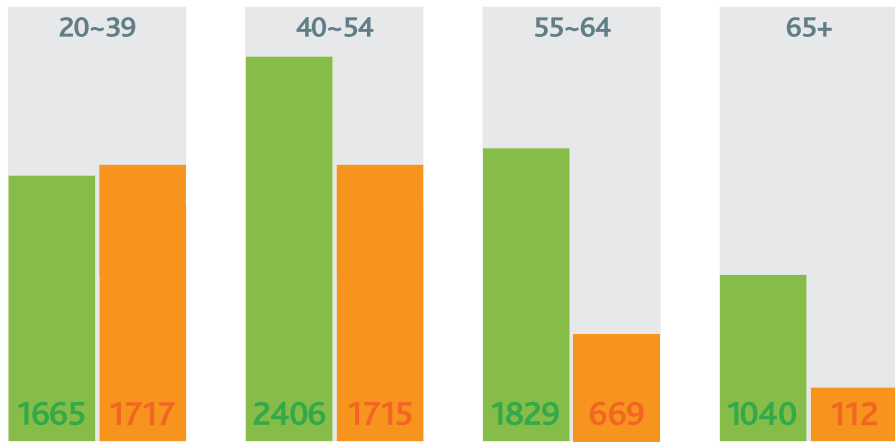
STATUS OF LAWYERS REGISTERED WITH THE LAW SOCIETY



## Legal Profession in BC *...continued*

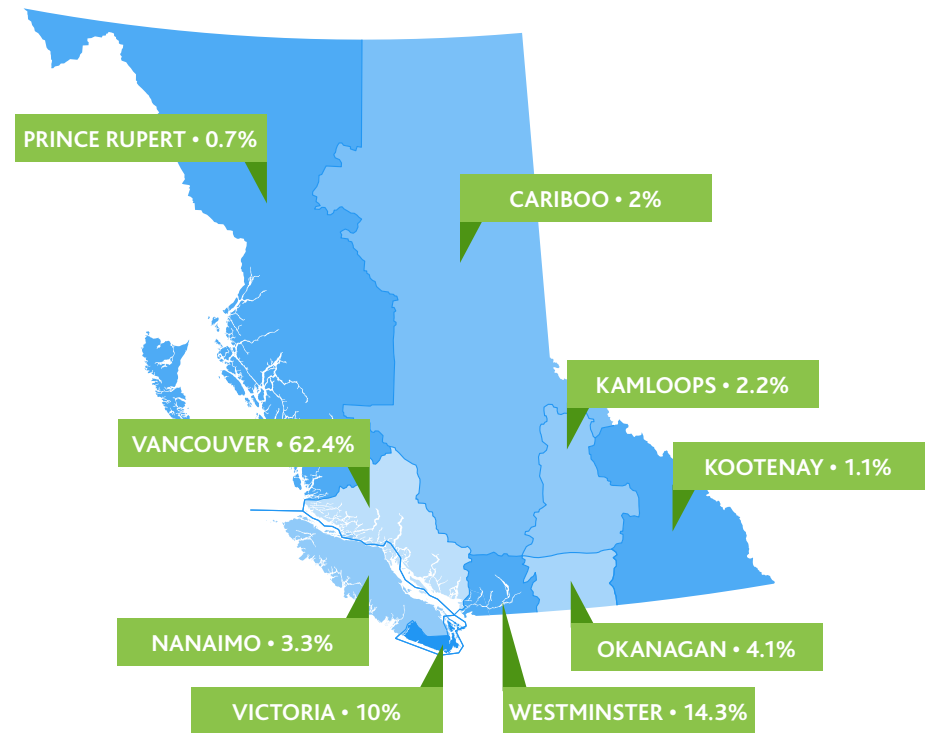
AGE DEMOGRAPHIC OF PRACTISING BC LAWYERS

■ MEN ■ WOMEN



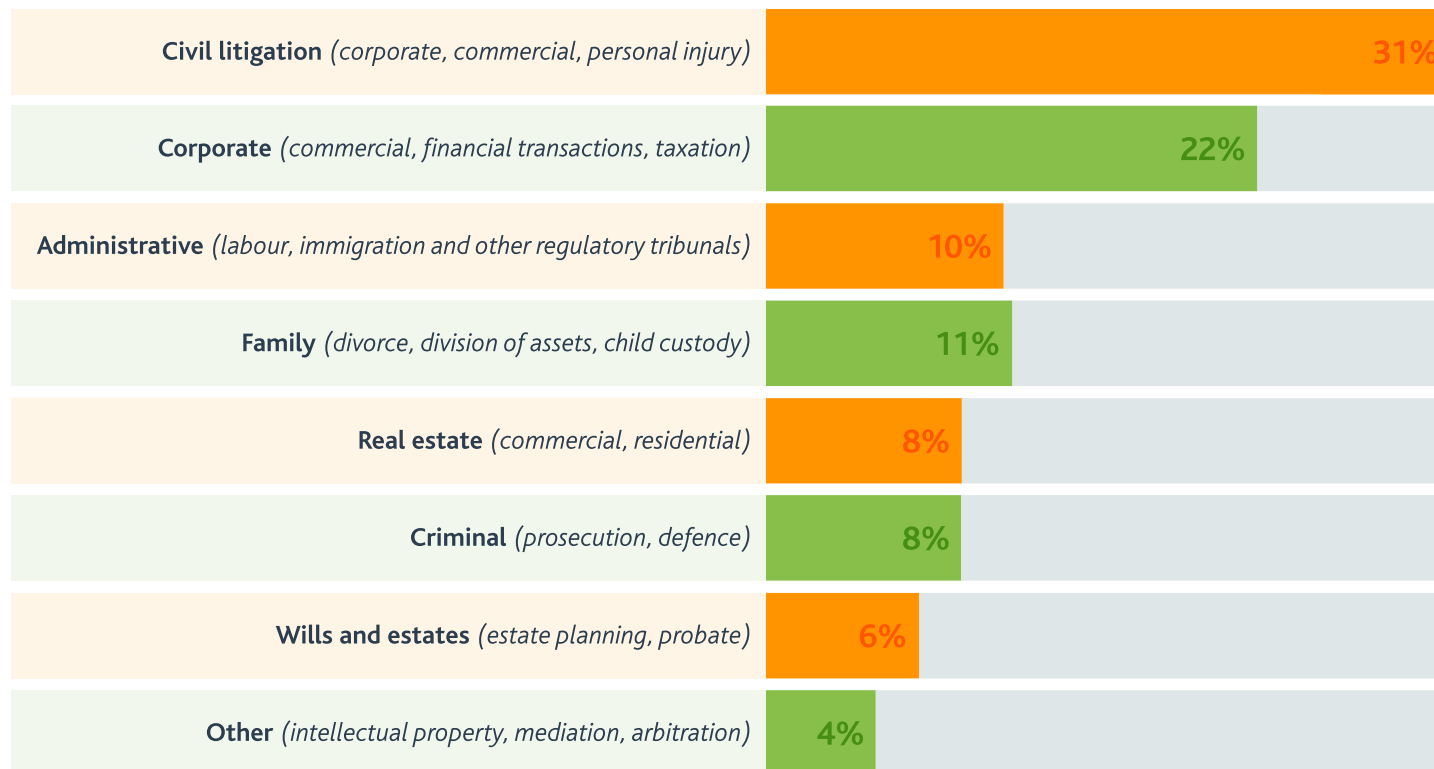
TOTAL PRACTISING BC LAWYERS IN 2014

LAWYERS AROUND THE PROVINCE BY ELECTORAL DISTRICT



## Legal Profession in BC *...continued*

### LEGAL AREAS OF PRACTICE IN BC



## Hearing Panel Pool

Hearing panel pools demonstrate the Law Society's commitment to maintaining public confidence and transparency.

Lawyers and members of the public from around the province volunteer to be part of the Law Society's hearing panel pools. Panel members are selected, based on established criteria, from a public (non-lawyer) pool and a lawyer (non-Bencher) pool to help adjudicate all discipline and credentials hearings.

In 2014, hearing panel pool members also began to serve as adjudicators on review boards when a review of a discipline or credentials hearing panel decision is requested.

### Members of the public

Donald Amos, Sidney  
 Dr. Gail Bellward, Vancouver  
 Glenys Blackadder, Victoria  
 Paula Cayley, Lions Bay  
 Dennis Day, Langley  
 Adam Eneas, Penticton  
 Jory Faibish, Vancouver  
 John Ferguson, Burnaby  
 Carol Gibson, Vancouver  
 Dan Goodleaf, Vancouver  
 J. S. (Woody) Hayes, Duncan  
 Patrick Kelly, Victoria  
 John Lane, Cobble Hill  
 Linda Michaluk, North Sannich  
 Laura Nashman, Victoria  
 Lance Ollenberger, Fort St. John  
 June Preston, MSW, Victoria  
 Graeme Roberts, Brentwood Bay  
 Lois Serwa, Kelowna  
 Clayton Shultz, Surrey  
 Thelma Siglos, New Westminster  
 Robert Smith, Surrey

### Non-Bencher lawyers

Jasmin Ahmad, Vancouver  
 Ralston Alexander, QC, Victoria  
 Joost Blom, QC, Vancouver  
 Jennifer Chow, Vancouver  
 James Dorsey, QC, North Vancouver  
 William Everett, QC, Vancouver  
 Anna Fung, QC, Vancouver  
 Carol Hickman, QC, New Westminster  
 John Hogg, QC, Kamloops  
 Gavin Hume, QC, Vancouver  
 David Layton, Vancouver  
 Bruce LeRose, QC, Trail  
 Richard Lindsay, QC, Vancouver  
 Shona Moore, QC, Vancouver  
 Karen Nordlinger, QC, Vancouver  
 Jennifer Reid, Prince Rupert  
 Dale Sanderson, QC, Vancouver  
 Donald Silversides, QC, Prince Rupert  
 William Sundhu, Kamloops  
 John Waddell, QC, Victoria  
 Brian J. Wallace, QC, Victoria  
 Peter Warner, QC, Prince George  
 Sandra Weafer, Vancouver

## 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.

The Honourable A. Brian B. Carrothers, QC	(1963-1973)	Richard C.C. Peck, QC	(1988-1997)	Master Robert W. McDiarmid	(1998-2006)
The Honourable Peter J. Millward, QC	(1965-1975)	Leonard T. Doust, QC	(1990-1997)	Anna K. Fung, QC	(1998-2007)
The Honourable Mary F. Southin, QC	(1971-1980)	William M. Trotter, QC	(1990-1997)	Ian Donaldson, QC	(2000-2007)
Norman Severide, QC	(1975-1981)	Trudi L. Brown, QC	(1992-1998)	June Preston, MSW	(2001-2008)
H. Allan Hope, QC	(1974-1982)	Warren T. Wilson, QC	(1991-1999)	John J.L. Hunter, QC	(2002-2008)
Brian W.F. McLoughlin, QC	(1974-1984)	The Honourable Ujjal Dosanjh, QC	(1995-2000)	Gordon Turriff, QC	(2002-2009)
The Honourable Thomas R. Braidwood, QC	(1973-1975; 1979-1985)	Karl F. Warner, QC	(1994-2000)	Terence E. La Liberté, QC	(2000-2001; 2004-2009)
The Honourable Jack L.T. Edwards, QC	(1978-1985)	Richard S. Margetts, QC	(1995-2001)	James D. Vilvang, QC	(2002-2009)
The Honourable Mr. Justice Bruce I. Cohen	(1978-1986)	Gerald J. Lecovin, QC	(1994-2001)	David A. Zacks, QC	(2002-2009)
Marvin R.V. Storrow, QC	(1980-1987)	Emily M. Reid, QC	(1994-2001)	The Honourable Judge William F.M. Jackson	(2003-2009)
R. Paul Beckmann, QC	(1980-1989)	Jane S. Shackell, QC	(1994-2001)	Patrick Kelly	(2002-2010)
Robert M. Dick, QC	(1983-1991)	Ann Howard	(1992-2002)	Dr. Maelor Vallance	(2002-2010)
The Honourable Mr. Justice Peter Leask	(1984-1992)	Marjorie Martin, MSW	(1992-2002)	G. Glen Ridgway, QC	(2002-2010)
Brian J. Wallace, QC	(1985-1993)	Richard C. Gibbs, QC	(1996-2002)	Gavin Hume, QC	(2004-2011)
John M. Hogg, QC	(1984-1993)	Howard R. Berge, QC	(1992-2003)	Joost Blom, QC	(2004-2011)
P. Michael Bolton, QC	(1985-1993)	Russell S. Tretiak, QC	(1992-2003)	Carol W. Hickman, QC	(2004-2011)
The Honourable Mr. Justice Robert T.C. Johnston	(1986-1994)	Robert D. Diebolt, QC	(1996-2003)	Bruce A. LeRose, QC	(2004-2012)
The Honourable Mr. Justice Grant D. Burnyeat	(1988-1995)	G. Ronald Toews, QC	(1996-2003)	Art Vertlieb, QC	(2004-2013)
Donald A. Silversides, QC	(1984-1995)	Gerald J. Kambeitz, QC	(1996-2003)	Rita C. Andreone, QC	(2006-2013)
Gary L.F. Somers, QC	(1984-1995)	William J. Sullivan, QC	(1997-2003)	Kathryn Berge, QC	(2006-2013)
James M. MacIntyre, QC	(1986-1995)	Master Peter J. Keighley	(1996-2004)	Leon Getz, QC	(2006-2013)
Cecil O.D. Branson, QC	(1988-1995)	William M. Everett, QC	(1998-2004)	Thelma O'Grady	(2006-2013)
Alan E. Vanderburgh, QC	(1989-1995)	Ralston S. Alexander, QC	(1999-2005)	David M. Renwick, QC	(2006-2013)
Karen F. Nordlinger, QC	(1988-1996)	Patricia L. Schmit, QC	(1998-2005)	Richard N. Stewart, QC	(2006-2013)
Benjamin B. Trevino, QC	(1991-1997)	Ross D. Tunncliffe	(1998-1999; 2000-2005)		

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