



# Report

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## **Bencher Election Working Group**

November 7, 2013

Prepared for: Benchers

Prepared by: Bencher Election Working Group

Brian J. Wallace, QC, Chair

Patrick Kelly

Patricia Schmit, QC

Jeffrey Hoskins, QC, staff support

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## I. EXECUTIVE SUMMARY

1. The Bencher Election Working Group was asked to review three issues involving the election and term of office for Benchers of the Law Society of British Columbia: the uneven turnover of new Benchers from year to year, the term of office that Benchers ought to serve after election or appointment, and the districts in which Benchers are elected. Although issues such as these have been raised and discussed in the past, there has been little change in this area since election of Benchers by district was introduced in 1955.
2. The Working Group felt that two of the issues assigned to it could be addressed with relatively simple and unobtrusive changes that we recommended be implemented at the first opportunity. To that end, the Working Group issued an Interim Report in January, 2013, which is attached to this Report as Appendix A.
3. The third issue is more complicated, and we perceive that any solution to the problem is going to be difficult for some to accept. Resolution of the issue also ought to be considered in conjunction with the ongoing examination of Law Society governance issues. We recommend that discussion toward resolution of the issue begin in the near future:
  - Current districts for election of Benchers are in violation of the principles that apply to electoral representation in Canada. In some cases, the variance is extreme. The working group makes specific suggestions for discussion of revision of the districts to rectify the situation.
  - The working group also recommends that the Benchers consider a variation on the electoral process that would allow lawyers in all parts of the province to vote for all Bencher positions, but would guarantee some representation to all geographic parts of the province.
4. The Working Group completed its report in draft in August 2012, but was requested to delay its presentation to the Benchers to ensure that consideration of recommendations of the Governance Task Force was not interfered with. As a result, the statistics cited in the report are based on Law Society membership figures

as of June 2012. Changes since that date do not significantly affect the validity of the data, and the Working Group has not found it necessary to update the figures.

## **II. BACKGROUND**

### **A. EXECUTIVE/BENCHER RESOLUTIONS 2011**

5. In April, 2011 the Executive Committee asked the Benchers to consider a number of governance issues. These issues ranged from the appointment of non-lawyers to Law Society committees to the system for electing Benchers and the term of office for which they are elected. They were divided into issues that the Executive Committee considered to be high and low priority and into issues that the *Legal Profession Act* requires the approval of the membership, and those that do not.
6. The Benchers approved the priorities assigned by the Executive Committee and referred most of the issues back to the Executive Committee for further action in accordance with the priority assigned. Three issues were considered sufficiently complex that they should be referred to a Task Force specially constituted to study the issues and report back to the Benchers with recommendations.
7. These are the three issues that were referred to a Task Force:
  - a) Bencher turnover and whether it can or should be addressed by staggering elections. A sub-issue was added by the Executive Committee as to how best to make the transition to staggered elections.
  - b) The length of the Bencher term of office. Whether it should be extended from two years to three or more.
  - c) Bencher electoral districts. Should they be revised for either or both of
    - more equitable numerical apportionment, and
    - better grouping of like communities in the same district.
8. It was suggested that, since each of these issues could be seen to involve the interests of the current Benchers in the Bencher electoral process, the working group to which the issues were to be referred should comprise individuals who, while experienced in Law Society matters, are not currently elected as Benchers. In consideration of that suggestion, the President at the time, Gavin Hume, QC, appointed a working group

consisting entirely of Life Benchers, who are neither currently sitting Benchers nor, for that matter, eligible ever to be a candidate for election or appointment as a Bencher. The Bencher Elections Working Group is chaired by Brian Wallace, QC, a former President of the Law Society (then known as the “Treasurer”). The other members of the Task Force are Patricia Schmit, QC and Patrick Kelly. Staff support was provided by Jeff Hoskins, QC, Tribunal and Legislative Counsel, with the assistance of Ingrid Reynolds.

## **B. HISTORY**

9. Before 1955, Benchers in British Columbia were elected at-large, with each lawyer in the province having a vote for every elected Bencher and being able to vote for any candidate from anywhere in the province. In the last province-wide at-large election for Benchers, which was held in June, 1953, 12 lawyers were elected Benchers: nine from Vancouver, two from Victoria and one from Penticton. That was typical of the election results for at least the previous decade, with two from Victoria, one from the interior of British Columbia and the rest from the lower mainland.
10. Presumably in order to increase regional representation at the Benchers table, the *Legal Professions Act* was amended in 1955 to provide for election of Benchers from the various Counties of the province. At the same time, a number of ex-officio Bencher positions were abolished and the number of elected Benchers was nearly doubled.

11. This is how the original regional representation was constructed:

County of Vancouver	13 Benchers
County of Victoria	2 Benchers
County of Nanaimo	1 Bencher
County of Westminster	1 Bencher
County of Kootenay	1 Bencher
County of Yale	1 Bencher
Counties of Cariboo and <u>Prince Rupert</u>	1 Bencher
<b>TOTAL BENCHERS</b>	<b>20 Benchers</b>

12. Victoria kept its usual two elected Benchers, while Vancouver considerably increased its contingent at the table. So did the rest of the province, going from what had typically been one to five, including one from Vancouver Island north of Victoria, which had never had a Bencher before in the 20th Century.
13. The total number of elected Benchers increased from 12 to 20. While each district was guaranteed a Bencher (more than one in Vancouver and Victoria), each was also limited to the assigned number.
14. At first, lawyers throughout the province could vote for Benchers in all of the Counties. However, a change was made, effective with the election in 1981, so that lawyers are now only able to vote for candidates for Bencher in the districts in which they practise, or where they live in the case of retired and non-practising members.
15. From time to time in the 1960s and 70s, the Law Society passed resolutions asking the provincial government to amend the legislation to increase the number of Benchers elected in this County or that. Those resolutions were implemented by government, which even added a second Bencher to Cariboo County on its own motion.
16. In 1992, the Benchers considered changes to how Benchers are elected. The Planning Committee reported a large number of possible changes that were intended to make voting for Benchers more equal across the province and to group together

communities in a more logical manner. The membership of the Law Society was consulted extensively, including in the form of a *Benchers' Bulletin Supplement* canvassing the proposed changes. A copy is attached as Appendix B.

17. In the end, the Benchers decided only to put two proposals to the membership at the Annual General Meeting in 1993: the division of Yale County into two districts and the division of Cariboo County into two districts. The first resolution passed, resulting in the creation of Okanagan District and of Kamloops District. The second would have divided the City of Prince George from the rest of Cariboo County. It met some opposition from members from Cariboo County, and the motion to adopt the resolution was tabled indefinitely. Subsequent consultations with local members of the Bar by some senior Benchers indicated a lack of support, and the proposal was not pursued further.

18. With the passage of the current *Legal Profession Act* in 1998, the number of appointed non-lawyer Benchers was increased from three to six. That brought the total number of Benchers up to 31. That established the complement of Benchers as follows, as it remains today:

County of Vancouver	13 Benchers
County of Victoria	2 Benchers
County of Nanaimo	1 Bencher
County of Westminster	3 Benchers
County of Kootenay	1 Bencher
Okanagan District	1 Bencher
County of Cariboo	2 Benchers
County of Prince Rupert	1 Bencher
Kamloops District	1 Bencher
<u>Appointed Benchers</u>	<u>6 Benchers</u>
TOTAL BENCHERS	31 Benchers

19. In 2003 the Benchers considered a number of Law Society governance issues that then required a referendum vote of all the members in order to adopt Rule amendments. It was agreed to ask the members of the Law Society to approve a

series of questions in a referendum, including extending the term limits for Benchers, but the Benchers decided not to advance questions having to do with Bencher electoral districts, staggered elections or increasing the term of office.

20. In 2011 the Benchers again considered a number of governance issues. Three issues were referred to this working group. They are subject to section 12 of the *Legal Profession Act*, which requires that the membership endorse rule changes at a general meeting or in a referendum ballot before the Benchers can give them effect by amending the Law Society Rules. This requirement was included in the *Legal Profession Act* because the nature of these provisions gives the appearance that the self-interest of the Benchers is involved.

21. In order to dispel that appearance and give any proposals for reform more credibility with the membership voting in a subsequent referendum, the Benchers referred the three issues to a working group of individuals who are knowledgeable in Law Society matters and have been in a position of trust as Benchers in the past, but are not currently Benchers and therefore do not have a current personal interest in the outcome.

### **III. MANDATE**

#### **A. BENCHER ELECTION DISTRICTS**

22. The issue to be addressed in this Report relates to the number of lawyers in each of the nine Bencher electoral districts. The Working Group was asked to consider the vastly different numbers of lawyers voting per Bencher in the various districts, whether the differences are a concern, and whether there may be other electoral districts, or alterations to the current ones, that would provide fairer voting.

### **IV. BENCHER ELECTIONS**

23. Since 1955 Benchers have been elected in the districts established under the *County Boundaries Act*. Originally there were 20 elected Benchers. Five have been added over the years, but all to existing districts. There have been no revisions to the boundaries in 58 years, with the exception of the division of the County of Yale into

Okanagan and Kamloops Districts in 1993. In the meantime, the County Courts were abolished 20 years ago, and the County boundaries have little legal significance outside of Bencher elections.

24. Most problematic is that the uneven distribution of lawyer population in the province has left the districts with a wide variation in the number of lawyers voting for each Bencher.
25. The table below shows the numbers of members in each District as of June 1, 2012, along with the number per Bencher. While the average Bencher is elected by 507 lawyers, the actual figures vary from a low of 76 to a high of 624, with variations from the provincial norm ranging from over 23 per cent above to 85 per cent below.

**Bencher representation by district**

**Actual, June 1, 2012**

<b>DISTRICT (Benchers)</b>	<b>MEMBERS</b>	<b>MEMS/ BENCHER</b>	<b>VARIATION (%)</b>
Vancouver (13)	8,111	624	+23.1
Victoria (2)	1,245	623	+22.8
Nanaimo (1)	457	457	- 9.8
Westminster (3)	1,665	555	+9.5
Kootenay (1)	140	140	-72.4
Okanagan (1)	491	491	- 3.1
Cariboo (2)	218	109	-78.5
Prince Rupert (1)	76	76	-85.0
Kamloops (1)	270	270	-46.7
<b>TOTALS (25)</b>	<b>12,673</b>	<b>507</b>	

See Appendix C for a graphic representation of these data.

26. The Supreme Court of Canada has found that, in the context of federal and provincial elections, Canadians have a right under section 3 of the *Canadian Charter of Rights and Freedoms* to relative parity of voting power (*Reference re Provincial Electoral Boundaries (Saskatchewan)*, [1991] 2 SCR 158). Other factors apply, of course, and section 3 does not govern Law Society elections, but the working group is of the view that the principle is apt for Bencher elections, and could be achieved with some adjustments to the current districts and numbers.
27. In the *Saskatchewan Reference* case, McLachlin, J (as she then was) writing for the majority articulated the principles of redistribution that have guided such endeavours in Canada for over 20 years:

What are the conditions of effective representation? The first is relative parity of voting power. A system which dilutes one citizen's vote unduly as compared with another citizen's vote runs the risk of providing inadequate representation to the citizen whose vote is diluted. The legislative power of the citizen whose vote is diluted will be reduced, as may be access to and assistance from his or her representative. The result will be uneven and unfair representation.

But parity of voting power, though of prime importance, is not the only factor to be taken into account in ensuring effective representation. ...

Notwithstanding the fact that the value of a citizen's vote should not be unduly diluted, it is a practical fact that effective representation often cannot be achieved without taking into account countervailing factors.

First, absolute parity is impossible. It is impossible to draw boundary lines which guarantee exactly the same number of voters in each district. Voters die, voters move. Even with the aid of frequent censuses, voter parity is impossible.

Secondly, such relative parity as may be possible of achievement may prove undesirable because it has the effect of detracting from the primary goal of

effective representation. Factors like geography, community history, community interests and minority representation may need to be taken into account to ensure that our legislative assemblies effectively represent the diversity of our social mosaic. These are but examples of considerations which may justify departure from absolute voter parity in the pursuit of more effective representation; the list is not closed.

It emerges therefore that deviations from absolute voter parity may be justified on the grounds of practical impossibility or the provision of more effective representation. Beyond this, dilution of one citizen's vote as compared with another's should not be countenanced. I adhere to the proposition asserted in *Dixon v. B.C. (A.G.)* (1986), 7 BCLR (2d) 174, at p. 414, that "only those deviations should be admitted which can be justified on the ground that they contribute to better government of the populace as a whole, giving due weight to regional issues within the populace and geographic factors within the territory governed."

28. So it is a fundamental principle of representation in Canada that there should be as much parity of voter power, which is to say equality of numbers of persons represented by each elected official, as the other factors will bear.
29. The other matters to be considered and not to be compromised unnecessarily as a result of parity of voting power include factors such as
  - geography,
  - community history,
  - community interests, and
  - minority representation
30. Principles similar to these are embedded in the law governing redistribution of provincial electoral boundaries in British Columbia. The *Electoral Boundaries Commission Act*, RSBC 1996, c. 107, contains this provision:

## **Determining boundaries**

9 (1) In determining the area to be included in and in fixing the boundaries of proposed electoral districts, the commission must be governed by the following principles:

- (a) that the principle of representation by population be achieved, recognizing the imperatives imposed by geographical and demographic realities, the legacy of our history and the need to balance the community interests of the people of British Columbia;
- (b) to achieve that principle, the commission be permitted to deviate from a common statistical Provincial electoral quota by no more than 25%, plus or minus;
- (c) the commission be permitted to exceed the 25% deviation principle where it considers that very special circumstances exist.

(2) For the purpose of making proposals under section 3(2), the commission must take into account the following:

- (a) geographic and demographic considerations, including the sparsity, density or rate of growth of the population of any part of British Columbia and the accessibility, size or physical configuration of any part of British Columbia;
- (b) the availability of means of communication and transportation between various parts of British Columbia.

31. The working group is of the view that the variations from even relative parity of voting power are so extreme in the current configuration that they cannot be sustained. Significant changes need to be adopted to bring the Bencher electoral districts into line with the 25 per cent maximum variation mandated by the provincial law. The extreme deviance from this standard is illustrated by the fact that the County of Prince Rupert would only barely be within the 25 per cent deviation if the number of elected Benchers were increased fivefold to 125.

32. Secondly, there are some changes that can be made to improve the community of interest within districts. Since the County boundaries were established as electoral districts for Benchers elections in 1955, there have been numerous changes in the distribution of lawyers throughout the province and way they practise their profession. Changes to recognize those changes and make the electoral districts more relevant to lawyers in 2012 are in order.

### **1. County of Vancouver**

33. The County of Vancouver has elected 13 Benchers from the start. In 1955, that was 65 per cent of the Benchers; in 2012 it is 42 per cent. As of June 1, 2012, the 8,111 lawyers voting in the County of Vancouver represented 64.0 per cent of the total Law Society membership of 12,673.

34. The district is currently the most under-represented in the province, with more than 23 per cent more lawyers per Benchers than the provincial average. While there may be some reason for that in the very densely populated heart of the district, there is no justification with respect to the outlying areas of the district.

35. Within the county, there are wide variations in the communities and the nature of the practice of law. The majority of lawyers in the county practise in Downtown Vancouver, as defined for another purpose in Law Society Rule 2-31(2). At the same time, lawyers in the rest of the City of Vancouver, on the North Shore and in the City of Richmond practise in what might be termed a suburban setting. As well, the county includes the Sunshine Coast, Powell River, Howe Sound, Squamish and Whistler, all which are variations on a more rural theme.

36. The working group suggests dividing the County of Vancouver into areas with more community of interest and adjusting the representation level of each to something more appropriate to the nature of the area.

37. This would be the result:

Downtown Vancouver, being the downtown peninsula west of Carrall Street, would elect 10 Benchers and still be one of the two districts with the highest ratio of members to Benchers.

Suburban Vancouver, being the remainder of the City of Vancouver, would elect three Benchers and would be very close to the provincial average in ratio of members to Bencher.

The North Shore, being the part of Metro Vancouver north of Burrard Inlet, has enough lawyers to have its own Bencher and be slightly above the provincial average in ratio of members to Bencher.

The City of Richmond would appear to have much more in common with municipalities in the County of Westminster. We suggest making Richmond part of that district, justifying an increase in Benchers from three to four.

The Sunshine Coast, Powell River, Howe Sound, Squamish and Whistler would be more suited to a large district that would comprise much of the rural areas of British Columbia.

## **2. County of Westminster**

38. This county currently has three Benchers representing 1,665 lawyers, which puts it significantly over the provincial average ratio of members to Bencher. It covers a significant territory south and east of Vancouver. Lawyers in the area appear to share most interests, but the nature of the community bar organizations makes it a difficult area to represent because of the expectation that local Benchers will attend frequent functions. Westminster County Benchers have been looking for an increase in their numbers for some time.
39. At the same time, it appears that the nature of practice in the City of Richmond has more in common with its neighbours in Delta, Surrey and Burnaby than with the City of Vancouver, particularly Downtown Vancouver. Adding Richmond to Westminster County would increase its lawyer population to nearly 2,000, which would support the addition of a fourth Bencher. That would put it somewhat below the provincial average ratio of lawyers to Bencher, but continued growth, especially in the Surrey and Abbotsford areas, will likely change that within a few years.

### **3. County of Victoria**

40. The County of Victoria is currently one of the most under-represented districts. It comprises 1,245 lawyers electing two Benchers. That makes it 22.8 per cent above the provincial average in the ratio of lawyers to Bencher. If the 106 lawyers who practise in the County but outside of the City of Victoria were taken out and added to the County of Nanaimo, that would put Victoria much closer to the provincial average.

### **4. County of Nanaimo**

41. The County of Nanaimo consists of some urban centres and some more rural and coastal areas. Its ratio of lawyers to Bencher is almost 10 per cent below the provincial average, which is not inconsistent with the principles of representation of more rural areas. However, if the suburban area around Victoria is added to the district in order to relieve problems in that county, the population of Nanaimo County becomes too great for a district that includes a significant rural component. The mix of population from rural to nearly urban over almost the entirety of a large island is also probably not appropriate. The solution is to make Nanaimo district less rural in aspect overall and include the part of Vancouver Island north of the Parksville-Qualicum area in a large district that would comprise much of the rural areas of British Columbia.

### **5. County of Kootenay and Kamloops District**

42. These two districts currently elect one Bencher each. However, the lawyer population in each case is below the provincial average by very large amounts – 46.7 per cent in the case of Kamloops and 72.4 per cent in the case of Kootenay. If the two districts are combined in a single district with one Bencher, however, the variation from the provincial average comes within the 25 per cent limit suggested by the provincial legislation governing the redistribution of provincial legislative representation.

## **6. Okanagan District**

43. This district currently has 491 lawyers, which is a very small variation (3.1 per cent) from the provincial average. There does not appear to be any reason to make any adjustments.<sup>7</sup>

## **7. Counties of Cariboo and Prince Rupert**

44. These two districts are the most out of line with the provincial ratio of lawyers to Bencher.

45. The County of Cariboo covers a very large area of the province, and there is every reason to allow for that in redrawing electoral boundaries. But, with 218 lawyers and two Benchers, the district is 78.5 per cent below the provincial average. Even with one Bencher, it would be significantly offside the principles of voting fairness.

46. The County of Prince Rupert is even farther out of line with the rest of the province. With only 76 lawyers and one Bencher, the variation here is 85.0 per cent below.

47. In order to get a district within the 25 per cent suggested as a maximum variation by provincial legislation, the working group suggests a large portion of rural British Columbia as a Bencher election district with one Bencher. It would comprise the Counties of Cariboo and Prince Rupert and rural and coastal parts of the Counties of Nanaimo and Vancouver.

## **8. Overall**

48. These changes would result in Bencher election districts that would all come within the 25 per cent guideline, with urban districts that would tend toward to the higher member to Bencher ratio and rural ones that would have a lower ratio. The table below would represent the result, using figures current to June 1, 2012.

### Bencher representation by district, Proposed

<b>DISTRICT (Benchers)</b>	<b>MEMBERS</b>	<b>MEMS/ BENCHER</b>	<b>VARIATION (%)</b>
Vancouver Downtown (10)	5,622	562	+6.5
Vancouver Suburban (3)	1,541	514	-2.7
Victoria (2)	1,143	572	+8.2
Nanaimo (1)	530	530	+0.4
Westminster (4)	1,978	495	-6.4
Kootenay-Kamloops (1)	410	410	-22.4
Okanagan (1)	491	491	-7.0
Cariboo-Prince Rupert (1)	408	408	-22.7
North Shore (1)	550	550	+4.2
<b>TOTALS (24)</b>	<b>12,673</b>	<b>528</b>	

Appendix C contains a graphic representation of these projected data, in a form that can easily be compared to the existing figures.

## V. METHOD OF ELECTING BENCHERS

49. In the course of considering the questions referred to them by the Benchers, the working group had occasion to look at the systems by which other professional governing bodies, particularly other Canadian law societies, elected their governors. There is more diversity in methods of election than members of the working group had expected. See Appendix A to the Interim Report for further details.
50. In particular, the way that two Canadian law societies elect their benchers was of interest. The working group spent some time considering the methods used by the Law Society of Alberta and the Law Society of Upper Canada to see if there are lessons that we can learn.
51. Although the mandate given the working group by the Benchers does not include making recommendations about the basic method of electing Benchers, the working group recommends that the Benchers consider some alteration to the way that BC Benchers are elected, taking some ideas from other law societies. This would be in the alternative to the recommendations regarding reapportionment of Bencher election districts.

## **Bencher elections in Alberta**

52. Members of the Law Society of Alberta elect 20 lawyers as Benchers. Each member gets to vote for 20 candidates in one large ballot. Everyone's vote is equal, and everyone has a say about all the Benchers. In order to assure that each region of the province elects at least one Bencher, the Law Society has established three districts, which do not include either of the major cities, Edmonton and Calgary.
53. The three districts, called Northern, Southern and Central Districts, are each guaranteed one Bencher. The top vote-getter from each district in the across-the-province election is elected a Bencher, no matter where they fall overall. The top 16 other candidates are elected Benchers, no matter where in the province they are from. (The President-elect is also taken as elected under the governing legislation.) So, at least theoretically, more than one Bencher could be elected from any or all of the rural districts.
54. In the 2011 Bencher election in Alberta, there were 48 candidates for the 20 elected positions. Only one candidate from the Central District was nominated, so he was elected by acclamation. There were two candidates from the Northern District and three from the Southern District. The top Northern candidate ranked 19th and was elected; the top Southern candidate ranked 35th and was also elected. The top 16 candidates overall, nine from Calgary and seven from Edmonton, were also elected. (Number 16 was decided by tie-breaker, with the candidate from Edmonton successful over a candidate from Calgary. Another candidate from Calgary was one vote behind those two.)
55. Under this method of electing Benchers, each of three geographically large regions of the province are each guaranteed at least one Bencher. There is also the possibility that more than one candidate could be elected a Bencher, if enough votes for more than one candidate are garnered on a province-wide basis. Each voter in all parts of the province has a vote as to all the Benchers to be elected from all parts of the province.
56. The working group noted a weakness of this approach is that, since all members across the province vote for all Benchers, including the district representatives, voters in the major urban centres could determine the representatives from the rural districts.

## **Bencher elections in Ontario**

57. In 1999 the Law Society of Upper Canada instituted a system of electing Benchers that has some similarities to that of Alberta, but with some adjustments for the larger population and

more complex geography, along with other refinements that the working group found interesting.

58. Until 1995 40 Benchers were elected from two areas: Toronto and not-Toronto. All members across the province could vote on two separate ballots with 20 to be elected from each. The simple result was that the top 20 vote-getters on each ballot were elected Benchers. The weakness in that system was the same that existed in British Columbia before the advent of electoral districts for Bencher elections. The urban centres tended to dominate the results, and large geographic parts of the province often went without electing a Bencher.
59. In the reforms of 1999, eight districts were established for the election of Benchers. But, unlike in British Columbia, voters did not vote only in their own district. They continued to have a say in the election of all Benchers across the province. Each district, while guaranteed at least one Bencher, was not limited to that number if a second candidate, or more, could garner enough votes across the province to be elected at-large.
60. The new Ontario scheme continued the two-ballot scheme. As before, 20 Benchers are elected by all lawyers in Ontario from the Toronto membership. But the other 20 Benchers are elected quite differently. All lawyers in the province vote on the not-Toronto ballot, but those elected are not necessarily the top 20 vote-getters. Each district or region elects a “Regional Bencher”, who is the candidate resident in each district who gets the most votes from among the members in that district. The top 13 vote-getters who are not Regional Benchers are then elected at-large.
61. This method allows all regions to elect their own local Bencher while allowing all voters to have a say on the election of all Benchers across the province. At the same time, it caps the number of Benchers from the largest metropolitan area at half of the elected Benchers so that members in other regions are able to be elected at-large.
62. The most recent election for Benchers of the Law Society of Upper Canada was held in April 2011. There were 53 candidates for Bencher in Toronto, with 20 to be elected. Since there was only one region involved, as one might expect, the top 20 candidates were elected. But the top vote-getter across the province, Treasurer Laurie Pawlitzka, was not the Regional Bencher for Toronto. That went to second place Linda Rothstein, because she got the most votes in the Toronto region.

63. There were also 53 candidates for Benchers from outside Toronto, also for 20 Benchers positions. The top vote-getter across the province (higher even than the Treasurer) was Constance Backhouse from Ottawa, but among lawyers in the East region, she was second to Adriana Doyle, who became the East Regional Benchers.
64. Three other Regional Benchers finished among the top 12 candidates, but three others did not. Regional Benchers from Central South, Central East and Northwest finished 22nd, 36th and 46th overall. Because they got the most votes in their home region, they were elected Benchers. In two cases of the three, other candidates from the region got more votes across the province, but were not elected.
65. Other candidates from six of the Regions finished in the top 17 and were elected Benchers as well. The 20 Benchers from outside Toronto broke down by region (with one or two major cities) as follows:

East (Ottawa-Kingston)	5
Northeast (Sudbury)	4
Central East (Markham-Newmarket)	3
Southwest (Windsor-London)	3
Central West (Mississauga-Oakville)	1
Central South (Hamilton)	2
Northwest (Thunder Bay-Kenora)	2

### **How these examples might be applied in British Columbia**

66. The working group found the systems of electing Benchers in Alberta and Ontario very interesting. The working group had come to the conclusion that the current districts for the election of Benchers in British Columbia could not be justified if every lawyer's vote is to have close to the same value. However, we also realized that representation based entirely on geography means that lawyers outside Vancouver can influence the election of only one, two or three Benchers, while those in Vancouver have a say, albeit a very much smaller one, in the election of 13.
67. As a result, the working group is attracted to an electoral model that combines constituency and at-large voting. Taking from the examples of Alberta and Ontario Law Societies, these

are some of the advantages that might be served in trying to achieve both objectives of electoral fairness and adequate representation:

- A guarantee of at least one Bencher elected from each major region of the province;
- Each region would determine one regional Bencher without influence from voters outside the region;
- A possibility of electing more than one Bencher from a region if there are candidates with enough votes province-wide;
- Each lawyer would be able to vote for all Benchers across the province;
- Benchers would represent the public interest with the support of lawyers across the province, and not just in one region;
- A lawyer who changed the location of his or her practice from one region to another would still have the opportunity to be elected a Bencher with province-wide support.

68. Because of the dominance of its numbers in the profession, the number of Benchers that can be elected from downtown Vancouver should be capped at a number commensurate with its proportion of the lawyers in the province.

69. The working group recommends that the Benchers initiate a discussion with the membership to consider changing the method of electing Benchers to something along the following lines:

1. British Columbia is divided into five major regions:

- Downtown Vancouver – The downtown peninsula only.
- Suburban Vancouver – The rest of the Metro Vancouver Regional District, plus the Fraser Valley as far as Hope and Sea-to-Sky as far as Whistler.
- Vancouver Island and Central Coast – The island plus Sunshine Coast, Powell River.

- Northern British Columbia – All of Prince Rupert County and Cariboo County north of the Quesnel area.
- Southern Interior – The southern part of Cariboo County and Kootenay and Yale Counties.

2. The Benchers would be elected in two ballots: 10 in Downtown Vancouver, 15 in the rest of the province.
3. All lawyers would be eligible to vote on both ballots.
4. The candidate in each region getting the most votes among voters in that region would be elected, regardless of their standing across the province. In Downtown Vancouver, the top other nine candidates would also be elected. Outside Downtown Vancouver, the top 11 other candidates would be elected.

70. In the last general election in November 2011, Benchers were elected (or in the cases of the incoming President and Vice-Presidents, continued without further election) in this proportion to the proposed regions:

- Downtown Vancouver – 11
- Suburban Vancouver – 5
- Vancouver Island and Central Coast – 3
- Northern British Columbia – 3
- Southern Interior – 3

71. A fixed number of Benchers for downtown Vancouver would ensure that lawyers practising there are fully represented, while not allowing the Benchers to be disproportionately dominated by them. Suburban Vancouver lawyers, particularly those in the County of Vancouver, have historically been under-represented. That would change, but it is not possible to know whether that would be in proportion to their numbers. The Ontario experience would seem to indicate that all regions can be represented adequately under this system, while a relatively small region can be afforded more Benchers if the voters across the province consider it warranted.

72. After much consideration of various approaches, the working group is of the view that the Benchers should initiate a discussion among lawyers across the province to consider whether a significant departure from the method of electing Benchers in place since 1955 could benefit the Law Society. It also may ameliorate a change toward electoral fairness that could otherwise reduce the number of elected Benchers from some parts of the province.

## **VI. SUMMARY OF RECOMMENDATIONS**

### **For discussion with membership**

#### **1. Adjust electoral districts**

73. The electoral districts for the election of Benchers should be adjusted
- to reduce disparities in the number of lawyers electing Benchers to conform to the law respecting representation by population in federal and provincial elections, while taking into account the need for representation of rural and sparsely populated parts of the province;
  - to allow for more appropriate or separate representation of smaller communities in the urban setting.
74. Specifically, the Benchers and members of the Law Society should consider the reapportionment of Bencher electoral districts such as the following:

City of Vancouver Downtown, 10 Benchers

City of Vancouver remainder, 3 Benchers

City of Victoria, 2 Benchers

Nanaimo (not including North Island, including suburban Victoria), 1 Bencher

County of Westminster (including City of Richmond), 4 Benchers

County of Kootenay and District of Kamloops, 1 Bencher

District of Okanagan, 1 Bencher

County of Cariboo, County of Prince Rupert, Sunshine Coast and North Island, 1 Bencher

North Shore, 1 Bencher

## **2. Province-wide election with guaranteed regional Benchers**

75. The Benchers and members of the Law Society should consider, as an alternative to recommendation 1, adopting a voting system in which all members are entitled to vote for all elected Benchers and each region is guaranteed a minimum of one Bencher elected by the local members in the region, but the number of Benchers beyond the one guaranteed is not restricted for most districts. The working group would make an exception of Downtown Vancouver, whose representation should be restricted to the number that accords with its proportion of the overall membership.



# Interim Report

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## Bencher Election Working Group

January 25, 2013

Prepared for: Benchers

Prepared by: Bencher Election Working Group

Brian J. Wallace, QC

Patricia Schmit, QC

Patrick Kelly

Jeffrey Hoskins, QC, staff support

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# **INTERIM REPORT OF THE WORKING GROUP ON BENCHER ELECTIONS**

## **I. EXECUTIVE SUMMARY**

1. The Bencher Election Working Group was asked to review three issues involving the election and term of office for Benchers of the Law Society of British Columbia: the uneven turnover of new Benchers from year to year, the term of office that Benchers ought to serve after election or appointment, and the districts in which Benchers are elected. Although issues such as these have been raised and discussed in the past, there has been little change in this area since election of Benchers by district was introduced in 1955.
2. Two of these issues can be addressed with relatively simple and unobtrusive changes that we recommend be implemented at the first opportunity:
  - There is a problem with a large cohort of new Benchers being introduced every two years, with only one or two new Benchers in alternate years. This problem can be solved by electing an equal portion of Benchers every year. The portion depends on the term of office for Benchers.
  - The working group is of the view that a term of office of three years is appropriate for Benchers of the Law Society.
3. The third issue is more complicated, and we perceive that any solution to the problem is going to be difficult for some to accept. Resolution of the issue also ought to be considered in conjunction with the ongoing examination of Law Society governance issues. Governance issues were the subject of interim and final reports in 2012, and work will continue in 2013 with the appointment of a Governance Committee. The Working Group recommends that discussion toward resolution of the Bencher district issue begin in the near future.

## **II. BACKGROUND**

### **A. EXECUTIVE/BENCHER RESOLUTIONS 2011**

4. In April, 2011 the Executive Committee asked the Benchers to consider a number of governance issues. These issues ranged from the appointment of non-lawyers to Law Society committees to the system for electing Benchers and the term of office for which they

are elected. They were divided into issues that the Executive Committee considered to be high and low priority and into issues that the *Legal Profession Act* requires the approval of the membership, and those that do not.

5. The Benchers approved the priorities assigned by the Executive Committee and referred most of the issues back to the Executive Committee for further action in accordance with the priority assigned. Three issues were considered sufficiently complex that they should be referred to a Task Force specially constituted to study the issues and report back to the Benchers with recommendations.
6. These are the three issues that were referred to a Task Force:
  - (1) Bencher turnover and whether it can or should be addressed by staggering elections. A sub-issue was added by the Executive Committee as to how best to make the transition to staggered elections.
  - (2) The length of the Bencher term of office. Whether it should be extended from two years to three or more.
  - (3) Bencher electoral districts. Should they be revised for either or both of
    - more equitable numerical representation, and
    - better grouping of like communities in the same district?
7. It was suggested that, since each of these issues could be seen to involve the interests of the current Benchers in the Bencher electoral process, the working group to which the issues were to be referred should comprise individuals who, while experienced in Law Society matters, are not currently elected as Benchers. In consideration of that suggestion, the President at the time, Gavin Hume, QC, appointed a working group consisting entirely of Life Benchers, who are neither currently sitting Benchers nor, for that matter, eligible ever to be a candidate for election or appointment as a Bencher. The Bencher Elections Working Group is chaired by Brian J. Wallace, QC, a former President of the Law Society (then known as the “Treasurer”). The other members of the Task Force are Patricia Schmit, QC and Patrick Kelly. Staff support was provided by Jeff Hoskins, QC, Tribunal and Legislative Counsel, with the assistance of Ingrid Reynolds.

## **B. HISTORY**

8. In 2003 the Benchers considered a number of Law Society governance issues that then required a referendum vote of all the members in order to adopt Rule amendments. It was agreed to ask the members of the Law Society to approve a series of questions in a referendum, including extending the term limits for Benchers, but the Benchers decided not to advance questions having to do with Bencher electoral districts, staggered elections or increasing the term of office.
9. In 2011 the Benchers again considered a number of governance issues. Three issues were referred to this working group. They are subject to section 12 of the *Legal Profession Act*, which requires that the membership endorse rule changes at a general meeting or in a referendum ballot before the Benchers can give them effect by amending the Law Society Rules. This requirement was included in the *Legal Profession Act* because the nature of these provisions gives the appearance that the self-interest of the Benchers is involved.
10. In order to dispel that appearance and give any proposals for reform more credibility with the membership voting in a subsequent referendum, the Benchers referred the three issues to a working group of individuals who are knowledgeable in Law Society matters and have been in a position of trust as Benchers in the past, but are not currently Benchers and therefore do not have a current personal interest in the outcome.

## **III. MANDATE**

### **A. BENCHER TURNOVER**

11. The first issue referred by the Benchers is the question of the uneven turnover of Benchers. The Working Group was charged with examining and evaluating the problem and making recommendations as to changes that may provide a solution, if required.

### **B. TERM OF OFFICE**

12. The second issue for the Working Group's consideration is the term of office of Benchers. Under the current rules, all Benchers serve a two-year term, with a maximum of four and one-half terms, which means in most cases eight years in office as a Bencher. The Working Group is to consider whether two years continues to be the appropriate term of office in today's Law Society. If a change is to be made, that may involve an adjustment to the term

limit, although the Benchers did not ask for a recommendation concerning the term limit other than to accommodate a change in the term of office.

### **C. BENCHER REPRESENTATION**

13. The third issue relates to the number of lawyers in each of the nine Bencher electoral districts. The Working Group was asked to consider the vastly different numbers of lawyers per Bencher representing the various districts, whether the differences are a concern, and whether there may be other electoral districts, or alterations to the current ones, that would provide fairer representation. The Working Group's consideration of that issue will be the subject of its final report in 2013.

### **IV. BENCHER TURNOVER**

14. Every two years, there is a general election of Benchers, the terms of Appointed Benchers come to an end, and several are replaced at the same time. In alternate years, an election is required to replace the out-going President and sometimes others who have left for one reason or another. The result is a very large number of inexperienced Benchers in alternate years and a very low number in other years.

15. These are the figures for the past decade:

<b>YEAR</b>	<b>NEW BENCHERS</b>
2002	13
2003	2
2004	8
2005	1
2006	11
2007	1
2008	5
2009	2
2010	10
2011	1
2012	7
2013	1

16. Operationally, this situation is inefficient in that the Law Society is required to dedicate a large number of staff hours per Benchers to the orientation and education of one individual in some years and, in other years, the logistics of orienting and training a large number of people is often a problem. There is also a risk to the quality of decision-making in having up to 42 per cent of the Board without experience for a period of time.
17. If the number of new Benchers could be averaged out, one would expect about four or five new Benchers annually.
18. One common way of mitigating the effects of high turnover of elected officials is to elect only a partial slate of candidates at each election, for overlapping terms, so that there is a carry-over when new members arrive. With two-year terms, the Rules could be amended to call for the election of half of the elected Benchers each year. The provincial government could also be asked to appoint half of the Appointed Benchers each year. This is commonly referred to a “staggered” terms of office and “staggered” elections.
19. If the term of office for Benchers is changed to three years, then as close as possible to one-third could be elected and appointed each year.
20. An additional disadvantage of electing all Benchers at once is the large number of candidates that are involved and the large number of votes each member is required to make to fully exercise the franchise. This is especially so in the very large district of the County of Vancouver, where a minimum of 10 and a maximum of 13 Benchers must be elected in a full election. There have been up to 37 candidates in elections, with mean and median of 24.
21. The transition from full elections to partial staggered elections would have some manageable complexities. In the long run, though, this would have little effect on the Law Society administration of elections, in that the current Rules require at least one election on November 15 every year, to replace the outgoing President in off years.
22. The working group considered the effect that staggering elections may have on the collegiality of Benchers while in office. The cohort of new Benchers with whom a Benchers joins the group is important throughout the Benchers’ terms in office. There was some concern that making the cohorts smaller and more frequent might affect the dynamic at the Benchers table. However, it was considered in the end that the change would not be sufficiently negative to outweigh the advantages of stability and continuity to be had from staggering elections. At the same time, it was recognized that the present system often

provides a cohort of only one new Bencher in years when only the outgoing President is replaced. There is a value in providing a larger cohort for the otherwise single new Bencher.

## **V. TERM OF OFFICE**

23. The current term of office for Benchers in British Columbia is two years. Several other Canadian law societies elect Benchers for longer terms. The Bencher term of office is three years in Alberta and Saskatchewan and four years in Ontario and Newfoundland and Labrador. See Appendix A for further details.
24. Frequency of election has its rewards in terms of involvement of the electorate, but it is also a distraction to elected officials to be perpetually, or at least frequently, up for re-election. Staggered elections, if adopted would provide the desired level of involvement of the electorate without necessarily requiring Benchers to seek re-election frequently.
25. The working group considered what the optimum term of office would be. As it is currently, Benchers have said that they barely learn all that they need to know for the job before it is necessary to seek re-election. The working group noted that two years appears to be the low end of term of office among law societies in Canada and other professions in British Columbia. They also noted that elected officials in government generally serve for longer terms, with municipal government in British Columbia serving for three years and federal and provincial governments normally lasting about four years.
26. The working group observed that very few Benchers serve only one term in office. See Appendix C. Even fewer are rejected by the voters when attempting to return for a subsequent term. Outside of the Lower Mainland, in fact, incumbent Benchers are rarely opposed for re-election. There does not seem to be a high value in the opportunity to remove a Bencher at an early date that needs to be preserved with a short term of office.
27. The group considered four years to be too long, but two years to be too short for many purposes. They chose to recommend the middle solution of three-year terms. This would make the term for elected and appointed Benchers the same as that for Benchers elected to the presidential “ladder”, who serve one year each at President and First and Second Vice-President.
28. If the term of office was increased to three years, this would require an amendment to the term limit, which is currently eight years for most Benchers, with an adjustment for fairness to those Benchers who are elected or appointed to complete a term of office begun by

another Benchers who is unable to finish the term. Presumably the term of office would have to be increased to nine years, with a similar adjustment to deal with partial terms.

## **VI. IMPLEMENTATION AND TRANSITION**

### **Process for considering reforms**

29. The working group recommends that the Benchers put forward the reforms increasing the term of office for Benchers and staggering elections for consideration by the membership of the Law Society at the earliest opportunity.
30. These two proposed reforms will require the approval of the membership of the Law Society under section 12 of the *Legal Profession Act*. Under that section, approval can be given either in a referendum of all members or in a general meeting.
31. It is our view that the reforms ought to be implemented in time for the general election scheduled for November 2013. The next opportunity would not take effect for a further two years, which means it would not affect the election and appointment of Benchers until the end of 2015. Since the Annual General meeting is generally held in the fall of the year, which would be too late in the year to implement the proposed changes, we recommend that the Benchers authorize a referendum of all members to be held in the late spring of 2013.
32. Following a positive decision of the members on either or both of the recommendations, the Benchers would then have to adopt amendments to the Law Society Rules to give effect to the decisions. That would require time for staff, working with the Act and Rules Subcommittee and in consultation with this working group, to develop the appropriate changes. Generally, a call for nominations for the November election is mailed by the Law Society in mid-September. In order for that notice to include notice of changes to the method of election, the Benchers would have to ratify rule changes before that time.

### **Transition issues**

33. Transition should not be a major problem. All the terms of office of current Benchers not on the ladder will expire at the end of 2013. Those who are elected to carry on beginning January 1, 2014 can be elected for a term of office different from the existing two years without difficulty.

34. A transition to staggered elections would be manageable but more complicated. To start that system, there would have to be an election at which some Benchers are elected for terms that differ from other Benchers. For example, if the two-year term of office were retained, in order to establish a system where roughly half of the Benchers were elected each year, the initial election would require half of the Benchers elected to one-year terms, while the other half were elected to two-year terms. A year later, the one-year term seats could be filled for two years, and the system would continue from there.
35. Similarly, if the term of office were increased to three years, the initial election would require one-third elected for one year, one-third for two years and one-third for three years. A year later, the one-year seats would be filled for three-year terms, and another year after that, the two-year seats would be filled for three-year terms, and the system would continue.
36. The hardest part of making the transition would be deciding which positions would be filled for which term. In multiple member districts, the voters could decide. The higher the vote, the longer the term. For example, if the County of Vancouver were electing 12 Benchers to start a staggered three-year term system, the top four candidates would be elected for three years. Numbers 5 to 8 would be elected for two-years, and numbers 9 to 12 would be elected for one year.
37. There will be some districts in which the Benchers to be elected cannot be evenly divided either in two for a two-year term election or in three for a three-year term election. Choices would have to be made as to which districts would elect for which term of office. One fair way of doing that would be to decide that by drawing lots, so that there was no chance it would appear that any favoritism was applied. Alternatively, the lower term of office could be assigned to districts where no incumbent Bencher qualified to run again, and the rest could be determined by lot.
38. The next two sections provide brief examples of how the transition to staggered elections could be done.

**Staggering elections - two-year term:**

39. This is an example of how it could be done in 2013:
 

County of Vancouver	7 for 2 years; 6 for 1 year
County of Victoria	1 for 2 years; 1 for 1 year

County of Westminster	1 for 2 years; 2 for 1 year
County of Nanaimo	1 for 2 years
County of Cariboo	1 for 2 years; 1 for 1 year
County of Kootenay	1 for 1 year
District of Kamloops	1 for 2 years
District of Okanagan	1 for 2 years
County of Prince Rupert	1 for 1 year

40. Benchers on the “ladder” would be assigned a term of office ending with the end of the year in which the Bencher is to be President. Multiple Bencher districts would be divided as evenly as possible. Candidates with higher votes would be assigned the longer term of office. In which districts Benchers would have one-year or two-year terms would be determined by lot. That way there would be 13 Benchers elected for two years and 12 for one year. After 2013, half slates would be elected each November.

**Staggering elections - three-year term**

41. This is an example of how it could be done in 2013:

County of Vancouver	5 for 3 years; 4 for 2 years; 4 for 1 year
County of Victoria	1 for 3 years; 1 for 2 years
County of Westminster	1 for 3 years; 1 for 2 years; 1 for 1 year
County of Nanaimo	1 for 1 year
County of Cariboo	1 for 2 years; 1 for 1 year
County of Kootenay	1 for 3 years
District of Kamloops	1 for 2 year
District of Okanagan	1 for 1 years
County of Prince Rupert	1 for 3 years

42. Benchers on the “ladder” would be assigned a term of office ending with the end of the year in which the Bencher is to be President. Multiple Bencher districts would be divided as evenly as possible. Candidates with higher votes would be assigned the longer term of office. In which districts Benchers would have one-year, two-year or three-year terms would be determined by lot. That way there would be eight Benchers elected for three years, seven

Benchers elected for two years and seven for one year. After 2013, slates of one-third of the Benchers would be elected each November.

## **VI. SUMMARY OF RECOMMENDATIONS**

### **Staggered elections**

43. The Law Society should conduct annual elections with the number of Benchers to be elected approximately equal to the total number of Benchers divided by the number of years in the term of office. Therefore, if the term of office remains at two years, half of the Benchers would be elected each year. If the term of office increases to three years, one-third of Benchers would be elected each year.

### **Term of office increased to three years**

44. The term of office for all elected and appointed Benchers should be increased to three years and the term limit should be increased to allow three full terms in office. In the case of partial terms, the principle of not counting half or less of a term against the term limit should continue. That means that a Bencher or former Bencher would not be allowed to seek election or accept appointment to a term that would take the total time served as a Bencher beyond 10½ years.

## **APPENDIX A — OTHER MODELS**

### **Alberta**

All members of the Law Society of Alberta are entitled to vote for all 20 Benchers positions from across the province. The top vote-getter in each of three regions outside of the two major metropolitan centres is elected, along with the 16 other top voters province-wide. The President-elect is also deemed elected under the governing legislation. Benchers are elected in a single (not staggered) election for a three-year term.

### **Manitoba**

Lawyers in Manitoba elect 16 Benchers from seven districts in a single election for a two-year term.

### **New Brunswick**

Lawyers in New Brunswick elect 20 Benchers from 11 districts in a single election for a two-year term.

### **Newfoundland and Labrador**

The Law Society in Newfoundland and Labrador holds annual elections at which four Benchers are elected. There are six districts for Bencher elections, but all members of the Law Society across the province are entitled to vote for all candidates.

### **Northwest Territories**

In the Northwest Territories, two of the four elected Benchers are elected each year in staggered elections for two-year terms. The public members of the Benchers are appointed for three-year terms.

### **Nova Scotia**

Members of the Barristers' Society of Nova Scotia elect their 13 elected Benchers in a single election for a two-year term. There are four districts, but three Benchers are elected at-large across the province.

### **Nunavut**

Nunavut follows the same rules as the Northwest Territories. Two of the four elected Benchers are elected each year in staggered elections for two-year terms. The public members of the Benchers are appointed for three-year terms.

## **Ontario**

Ontario lawyers elect 40 Benchers, 20 from inside Toronto and 20 from outside Toronto. Eight of the 40 benchers are Regional Benchers - the candidates who received the highest number of votes from voters in their own electoral region. The remaining 32 Benchers are the 13 candidates from outside Toronto who received the most votes from all voters and the 19 candidates from inside Toronto who received the most votes from all voters. The regions are Northwest, Northeast, East, Central East, Central West, Central South, Southwest and Toronto. The term of office is four years, and elections of the complete complement of elected Benchers takes place every four years.

## **Prince Edward Island**

The eight Benchers of the Law Society of Prince Edward Island are elected each year at the Annual General Meeting.

## **Québec**

Local Barreau councils elect delegates to the Barreau du Québec annually. There are 31 members of the council elected by 15 local Barreaux.

## **Saskatchewan**

Members of the Law Society of Saskatchewan elect 18 Benchers in 10 divisions, including one province-wide division for new lawyers. Benchers are elected in a single election for three-year terms.

## **Yukon**

The four Benchers in Yukon are elected for a one-year term on the day before the Annual General Meeting each year.

## BENCHER TERM OF OFFICE

### A. CANADIAN LAW SOCIETIES

Organization	No.	Districts	Term	Staggered	Notes
LS Alberta	20	3+	3 yrs	No	All members vote for all 20. Top vote-getter in each district is elected plus 17 more. Districts include only rural areas.
LS Saskatchewan	18	10	3 yrs	No	New division for new lawyers.
LS Manitoba	16	7	2 yrs	No	
LS Upper Canada	40	8	4 yrs	No	Ontario lawyers elect 40 benchers, 20 from inside Toronto and 20 from outside Toronto. Eight of the 40 benchers are regional benchers - the candidates who received the highest number of votes from voters in their own electoral region. The remaining 32 benchers are the 13 candidates from outside Toronto who received the most votes from all voters and the 19 candidates from inside Toronto who received the most votes from all voters. The regions are Northwest, Northeast, East, Central East, Central West, Central South, Southwest and Toronto.
Barreau du Quebec	31	15	1 yr	No	General Council delegate elected by local Barreau councils.
LS New Brunswick	20	11	2 yrs	No	
BS Nova Scotia	13	4	2 yrs	No	3 elected at-large.
LS Prince Edward Island	8	1	1 yr	No	Elected at AGM
LS Newfoundland and Labrador	15	6	4 yrs	Yes	4 elected each year (when only 3 Benchers' terms expire, they choose a fourth by lot). All members can vote in each district.
LS Yukon	4	1	1 yr	No	Elected day before AGM
LS Northwest Territories	4	1	2 yrs	Yes	2 elected each year public members appointed for 3 year terms.
LS Nunavut	4	1	2 yrs	Yes	2 elected each year public members appointed for 3 year terms.

## B. SELECTED PROFESSIONAL BODIES IN BRITISH COLUMBIA

Organization	No.	Districts	Term	Staggered	Notes
Engineers and Geoscientists	7	1	2 yrs	Yes	1/2 of council elected each year.
Dentists	12	5	2 yrs	Yes	1 council member elected by specialists, 1 by UBC Faculty of Dentistry
Pharmacists	8	8	2 yrs	Yes	Districts include 2 "hospital" districts
Physicians and Surgeons	10	7	2 yrs	No	
Registered Nurses	9	2	3 yrs	Yes	3 rural, 3 urban, 3 at-large.
Social Workers	12	1	2 yrs	Yes	
Teachers	12	12	3 yrs	Yes	College now replaced
Chartered Accountants	15	4	2 yrs	Yes	Minimum of 5 elected at-large.
Real Estate Council	13	9	2 yrs	Yes	1 broker per County, 3 representatives, 1 manager

## APPENDIX B — HISTORICAL LONGEVITY OF BENCHERS

### LAW SOCIETY OF BRITISH COLUMBIA

#### BENCHERS ELECTED SINCE 1992

BENCHER/Life Bencher	DISTRICT	DATES/ <i>Treasurer</i> or <i>President</i>	YEARS IN OFFICE
Shona A. Moore, QC	County of Vancouver	1990-1991; 1993-1995	5.0
Trudi L. Brown, QC	County of Victoria	1992-1998/1998	6.5
Ann Howard	Appointed Bencher	1992-2002	10.5
Marjorie Martin	Appointed Bencher	1992-2002	10.5
Gerald J. Lecovin, QC	County of Vancouver	1994-2001	8.0
Emily M. Reid, QC	County of Vancouver	1994-2001	8.0
Jane Shackell, QC	County of Vancouver	1994-2001	8.0
Karl F. Warner, QC	County of Westminster	1994-2000/2000	7.0
T. Mark McEwan	County of Kootenay	1994-1996	2.6
Alexander P. Watt	Kamloops	1994-1995	2.0
Richard S. Margetts, QC	County of Victoria	1995-2001/2001	7.0
Robert D. Diebolt, QC	County of Vancouver	1996-2003	8.0
Bruce Woolley, QC	County of Vancouver	1996-2000	4.8
Linda Loo, QC	County of Vancouver	1996	0.7
David W. Gibbons, QC	County of Vancouver	1996-2003	8.0
Peter J. Keighley, QC	County of Westminister	1996-2004	9.2
Richard C. Gibbs, QC	County of Cariboo	1996-2002/2002	7.0
G. Ronald Toews, QC	County of Pr. Rupert	1996-2003	8.0
Kristian P. Jensen	Kamloops	1996-1997	2.0
Reeva Joshee	Appointed Bencher	1996-1997	1.3
Robert W. Gourlay, QC	County of Vancouver	1996-2003	8.0
Gerald J. Kambeitz, QC	County of Kootenay	1996-2003	8.0
William J. Sullivan, QC	County of Vancouver	1997-2003	7.0
Anna K. Fung, QC	County of Vancouver	1998-2007/2007	10.0
JoAnn Carmichael, QC	County of Vancouver	1998-2001	4.0
William M. Everett, QC	County of Vancouver	1998-2004/2003-2004	7.0
D. Peter Ramsay, QC	County of Nanaimo	1998-2001	4.0
Patricia L. Schmit, QC	County of Cariboo	1998-2005	8.0
Robert W. McDiarmid, QC	Kamloops	1998-2006/2006	9.0
Ross D. Tunnicliffe	County of Vancouver	1998-1999; 2000-2005	6.8
Ralston S. Alexander, QC	County of Victoria	1999-2005/2005	7.0
Nao Fernando	Appointed Bencher	1999-2000	1.3
Wendy John	Appointed Bencher	1999-2001	1.5
Anita Olsen	Appointed Bencher	1999-2002	3.1
Ian Donaldson, QC	County of Vancouver	2000-2007	8.0
Terence L. LaLiberté, QC	County of Vancouver	2000-2001; 2004-2009	8.0
Jaynie Clark	Appointed Bencher	2000-2002	1.7
Dr. V. Setty Pendakur	Appointed Bencher	2000-2001	1.2
Robert Crawford, QC	County of Westminister	2001	0.8
June Preston	Appointed Bencher	2001-2008	7.0
John J.L. Hunter, QC	County of Vancouver	2002-2008/2008	7.0

<b>BENCHER/Life Bencher</b>	<b>DISTRICT</b>	<b>DATES/<i>Treasurer or</i></b>	<b>YEARS IN OFFICE</b>
Margaret Ostrowski, QC	County of Vancouver	2002-2005	4.0
James Vilvang, QC	County of Vancouver	2002-2009	8.0
Gordon Turriff, QC	County of Vancouver	2002-2009/2009	8.0
David Zacks, QC	County of Vancouver	2002-2009	8.0
Anne Wallace, QC	County of Victoria	2002-2005	3.6
Glen Ridgway, QC	County of Nanaimo	2002-2010/2010	9.0
Grant Taylor, QC	County of Westminster	2002-2005	3.6
Michael J. Falkins	Appointed Bencher	2002-2007	4.6
Patrick Kelly	Appointed Bencher	2002-2010	7.9
Valerie J. MacLean	Appointed Bencher	2002-2003	0.5
Patrick Nagle	Appointed Bencher	2002-2006	3.8
Dr. Maelor Vallance	Appointed Bencher	2002-2010	7.5
William Jackson, QC	County of Cariboo	2003-2009	7.0
Lillian To	Appointed Bencher	2003-2005	2.1
Joost Blom, QC	County of Vancouver	2004-2011	8.0
Gavin Hume, QC	County of Vancouver	2004-2011/2011	8.0
Carol Hickman, QC	County of Westminister	2004-2011	8.0
Darrell O'Byrne, QC	County of Pr. Rupert	2004-2005	1.7
Dirk Sigalet, QC	Okanagan	2004-2007	3.9
Gregory Rideout, QC	County of Westminister	2004-2005	1.6
Robert C. Brun, QC	County of Vancouver	2005; 2008-2011	5.0
Ronald Tindale	County of Cariboo	2006-2010	4.1
Robert Punnett, QC	County of Pr. Rupert	2006-2009	3.5
Ken Dobell	Appointed Bencher	2006-2008	2.1
Barbara Levesque	Appointed Bencher	2006-2010	4.1
Marguerite (Meg) Shaw, QC	Okanagan	2008-2009	1.9
Suzette Narbonne	County of Pr. Rupert	2009-2011	2.3
Patricia Bond	County of Vancouver	2010-2012	2.2
<b>TOTAL</b>	<b>BRITISH COLUMBIA</b>	69 BENCHERS	<b>5.5</b>

# Benchers' Bulletin Supplement



Your information bulletin on Law Society of British Columbia activities

1992: December

*Lawyers asked to comment on proposal to change electoral districts*

## Looking to fairer Bencher representation

The B.C. legal profession has grown and the distribution of lawyers across the province has changed dramatically in the past four decades. Yet, since the *Legal Professions Act* was amended in 1955 to introduce Bencher elections by county, the boundaries of the Bencher electoral districts have changed very little and the number of Benchers has increased in only an *ad hoc* fashion.

One elected B.C. Bencher now represents an average of 296 lawyers, more than five times the number in 1955. And the ratio varies significantly from district to district. A Victoria County Bencher represents 25% more lawyers than the provincial average. By contrast, the Bencher for Prince Rupert represents 75% fewer lawyers than the provincial average. These disparities mean that lawyers in some districts are significantly under-represented.

The Benchers see a need to rationalize the electoral districts for better representation by population and also for better representation in areas of significant lawyer population that have not traditionally elected Benchers.

The Planning Committee urged the Benchers in 1992 to adopt a more comprehensive electoral scheme. The Benchers agreed to put forward to the profession a package of 15 possible changes including several options to restructure electoral districts.

Section 12 (1) of the *Legal Profession Act* provides that the current eight electoral districts follow county boundary lines, and sets the number of Benchers for each district: Vancouver (13), Victoria (2), Nanaimo (1), Westminister (3), Kootenay (1), Yale (2), Cariboo (2) and Prince Rupert (1) [see map on page 6.]

Electoral boundaries and the number of Benchers can be changed by approval by 2/3 of the members at a general meeting of the Society, or in a referendum.

The Benchers would like to have the proposed electoral boundary changes put in final form for members at the next Annual Meeting, now scheduled for September, 1993. But before finalizing the proposal, the Law Society needs the views of the profession.

The Benchers urge all members to reflect on the proposals set out in this *Supplement* and to forward their comments and suggestions to the Planning Committee by **February 15, 1993**. A final draft of the proposals will be distributed in advance of the 1993 Annual Meeting.

## History of Bencher electoral districts

When the election of Benchers by district was introduced in 1955, there were 1,147 lawyers practising in the province and 20 Benchers elected in the eight counties, approximately 57 members for each elected Bencher.

Although the county boundaries have remained essentially unchanged since 1955, there have been changes to the number of Benchers in some counties and an increase from 20 to 25 in the total number of elected Benchers.

### Benchers' Bulletin

The *Benchers' Bulletin* is published by the Law Society of British Columbia, the governing body of the legal profession, and is distributed to all members, retired members, articulated students and judges in the province to keep them apprised of the activities of the Benchers and their committees.

Additional subscriptions to this and the Law Society's other regular publications may be ordered at a cost of \$50.00 per year, prorated at \$12.50 per quarter.

If you have ideas on how to improve the *Bulletin*, to make it more useful, please write to:

The Editor, *Benchers' Bulletin*  
Law Society of British Columbia  
845 Cambie Street  
Vancouver, B.C.  
V6B 4Z9.

With one exception, each change in representation was brought about by a membership resolution passed at an Annual Meeting of the Law Society, with statutory amendments enacted afterward.

## What goes into a new electoral distribution?

A primary concern in realigning Bencher electoral boundaries is achieving representation by population, to ensure the voting power of each individual is relatively equal to that of every other voter. In other words, each group of voters electing a representative should be of more or less the same size. Each voter would then have relatively the same say in electing a representative.

In Canada it is well accepted that, while the relative population size of constituencies is an important factor and probably the most important factor, there are other considerations to be taken into account.

In *Dixon v. Attorney General of British Columbia* (1989), 35 BCLR (2d) 273 at 293 Chief Justice McLachlin (as she then was) had this to say on provincial electoral boundaries:

... [O]nly those deviations [from equal population per member elected] should be admitted which can be justified on the ground that they contribute to better government of the populace and geographic factors within the territory governed. Geographic considerations affecting the servicing of a riding and regional interests meriting representation may fall in this category and hence be justifiable.

Generally, the factors other than population that should be taken into account in establishing electoral boundaries have to do with geographic barriers and connectors and the way people organize themselves into communities. The Planning Committee identified the important factors for the representation of B.C. lawyers within the Law Society:

- first and foremost, the number of lawyers practising in each district;
- historical and regional claims for representation, including where possible, separate representation of areas of significant lawyer population that have not traditionally elected a Bencher;
- the geographic size of each district, the distribution of members within the district and other factors affecting the representation of the district by a Bencher or Benchers;
- the community of interest of members, specifically the distinctiveness of urban, suburban and rural or small town practice;
- the organization of the courts, local bar associations, which affect communications among lawyers.

## What disparities now exist?

In examining the adequacy of the present electoral boundaries for the election of Benchers, the first consideration is the relative lawyer population of the electoral districts.

The following table is based on figures accurate to August 14, 1992:

### LAWYER POPULATION BY COUNTY

County	Benchers	Members	Ratio	Variation
Vancouver	13	4308	331.4	+ 18.55%
Victoria	2	701	350.5	+ 25.39%
Nanaimo	1	283	283.0	+ 1.24%
Westminster	3	901	300.3	+ 7.45%
Kootenay	1	108	108.0	- 61.36%
Yale	2	431	215.5	- 22.90%
Cariboo	2	187	93.5	- 66.55%
Prince Rupert	1	69	69.0	- 75.31%
<b>TOTAL</b>	<u>25</u>	<u>*6,988</u>	<u>279.5</u>	

\* This figure does not include members residing or practising out of province.

This table shows wide differences in the numbers of members per Bencher in the electoral districts. While some variation can certainly be justified by the geography of the province, the Benchers wish to alleviate the extent of the differences.

There are historical as well as geographical or regional reasons for the representation of the smaller population counties, and arguments for absolute equality in electoral representation have only limited application outside the context of government elections. There are also legitimate claims for additional Bencher representation in rural and remote regions.

The wide variations from the provincial average in Prince Rupert, Cariboo, Kootenay and Yale counties will be reduced if Benchers are simply added to other counties. For that reason, there is no proposal for changing the outer boundaries of these counties or changing the number of Benchers in them.

Adding Benchers to under-represented areas would create some additional expense to the Law Society — though the largest Bencher expense is travel to and from Vancouver, and the proposals put forward add only one Bencher outside the Lower Mainland. This consideration is off-set by the fact that members would enjoy better representation and the Society would benefit from additional volunteers to share an ever-increasing Bencher workload.

The number of elected Benchers has increased only 25 percent since 1955, while the number of lawyers in the province has increased by 545 percent over the same

## Appendix B

period.

After Ontario, B.C. now has the lowest per capita number of Benchers in Canada.

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### The Planning Committee option

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In June, 1992 the Planning Committee summarized for the Benchers the current disparities in Bencher representation and the factors for consideration in a redistribution. The Committee outlined one package of electoral changes for consideration. The Committee recommended three boundary changes and an increase in the number of elected Benchers from 25 to 29, as follows:

- no change to the number of Benchers representing Prince Rupert, Cariboo, Kootenay, Yale and Nanaimo Counties;
- increasing representation in Victoria County from two Benchers to three;
- creating a new electoral district on the North Shore, with one Bencher
- transferring the City of Richmond from Vancouver Electoral District to Westminster Electoral District;
- creating a new Fraser Valley electoral district, with one Bencher, from the portion of Westminster County east of Coquitlam, Port Coquitlam and Surrey;
- allotting one additional Bencher to the County of Vancouver (for a total of 14); and
- requesting a legislative amendment to permit the appointment of an additional lay Bencher.

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### Benchers' proposal for change

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In July, 1992 the Benchers discussed the Planning Committee report and asked the Committee to consider additional proposals. In October the Benchers received a revised report, which they decided to send to members for comment. The package incorporates some of the Committee's original recommendations and proposes additional electoral districts with more Bencher representatives. The package is explained below and summarized briefly on pages 5 and 6.

#### Kootenay and Prince Rupert

There are no proposed changes to the electoral districts of Kootenay and Prince Rupert, which have the smallest lawyer populations in the province and one Bencher representative each.

#### Yale

##### STEP 1

**Divide Yale County into two electoral districts: Okanagan and Kamloops, each represented by one Bencher.**

The County of Yale now has 431 lawyers and is represented by two Benchers. The number of members per Bencher is 215.5, or about 23% below the provincial average. If the total number of elected Benchers is increased to 30 or more, Yale County will be suitably near the provincial average.

One proposal is to divide Yale County into two electoral districts to ensure continued representation of both of its distinct north and south regions. Unfortunately, the lawyer population does not divide very equally on those grounds. The proposal is to separate the Okanagan, which has about 251 lawyers, from the rest of the County, including the City of Kamloops, where about 180 lawyers practise.

#### Cariboo

##### STEP 2

**Divide Cariboo County into two electoral districts: Prince George and Cariboo, each represented by one Bencher.**

The County of Cariboo has about 187 members within its boundaries, represented by two Benchers. This is an average number of lawyers per Bencher of 93.5, well below the provincial average.

Since over half of the lawyers in Cariboo County practise in the City of Prince George, the only practical way of dividing the County would be to make an electoral district of the City and another district from the remainder of the County.

This would have the advantage of ensuring that one Bencher from the present county comes from outside Prince George. That Bencher, however, would be required, without assistance, to represent an enormous area beginning at Lytton and Pemberton in the south and going to the Yukon and Northwest Territories border in the north, but excluding the one major centre in that area.

#### Victoria and Nanaimo

Victoria is now the most under-represented county with a population of about 701 lawyers and only two Benchers. Nanaimo, on the other hand, at 283 lawyers is about average at present. If there is to be a significant increase in the number of Benchers, the County of Nanaimo would also become under-represented.

Although the geography of the Island does not lend itself easily to dividing into one-Bencher electoral districts or districts that follow community boundaries, the Benchers have considered two options for a realignment.

##### STEP 3 (OPTION A)

**Divide the Vancouver Island counties into three electoral districts: the City of Victoria, with two Benchers,**

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and Malahat and Nanaimo, with one Bencher each.

In the City of Victoria there are approximately 545 lawyers. Making the City of Victoria a two-Bencher electoral district would achieve a ratio of one Bencher for 273 lawyers, a distinct improvement, though higher than the provincial average.

A second district would encompass the remainder of Victoria County, together with the present Nanaimo County from the boundary with Victoria north to include Ladysmith. That mid-Island region [proposed to be called Malahat] has about 209 lawyers.

The rest of Nanaimo County with some 230 lawyers, would be the third electoral district on the Island.

### STEP 3 (OPTION B)

**Divide the Vancouver Island Counties into three electoral districts: Downtown Victoria, with two Benchers, and Malahat and Nanaimo, with one Bencher each.**

This is a variation of Option 3A, creating a two-Bencher Victoria electoral district encompassing downtown Victoria only (postal districts V8V and V8W). This would achieve a ratio of one Bencher for about 250 lawyers. That would leave the mid-Island electoral district [the Malahat region] with 258 lawyers and Nanaimo electoral district with 230.

## Westminster

Westminster County is somewhat under-represented compared to the provincial average and is the fastest growing county in population. It is also very large geographically for an urban-suburban district. This means there are significantly large communities without local Bencher representation.

Part of Westminster County is close to Vancouver and is essentially a suburban community. But the County becomes more rural further east, and lawyers located in small towns are often engaged in a different form of practice.

The Benchers are considering a separate electoral district for the Fraser Valley, represented by one Bencher. In one option, Pitt Meadows and Maple Ridge would be included in the Fraser Valley Electoral District. In a second option, they would be included in the same district as Coquitlam and New Westminster [see step 5 below].

### STEP 4 (OPTION A)

**Constitute a new electoral district of Fraser Valley [to include Pitt Meadows, Langley and all areas east in Westminster County], represented by one Bencher.**

This new district would begin at the Pitt River, the boundary between Surrey and the two Langley municipalities and the part of the Fraser River that connects the two boundary lines.

### STEP 4 (OPTION B)

**Constitute a new electoral district of Fraser Valley [to include Mission, Langley and all areas east in Westminster County], represented by one Bencher.**

Under this option, the new district would begin at the

boundary between Maple-Ridge and Mission, the boundary between Surrey and the two Langley municipalities and the part of the Fraser River that connects the two boundary lines.

### STEP 5 (OPTION A)

**Constitute from parts of the Counties of Westminster and Vancouver the following two electoral districts: Surrey-Richmond-Delta and Westminster-Burnaby-Coquitlam, with two Benchers each.**

The City of Richmond is now part of Vancouver County. Though Richmond has ties to Vancouver, the 151 lawyers in Richmond have relatively little voting power in the county and also share many similarities to the suburban practice of Westminster County. Both these factors favour a realignment.

Westminster County [without the Fraser Valley] and Richmond together have a lawyer population of about 830 or 855 [depending on whether Option A or B of step 4 above were adopted.]

Option 5A would combine Burnaby, New Westminster, Coquitlam and possibly Maple Ridge and Port Moody in a two-Bencher electoral district, with about 400 or 425 lawyers, and would combine Richmond, Delta, Surrey and White Rock in another two-Bencher district with about 429 lawyers.

### STEP 5 (OPTION B)

**Constitute from parts of the Counties of Westminster and Vancouver three new electoral districts: Westminster-Burnaby-Coquitlam, with two Benchers, and Richmond-Delta and Surrey-White Rock, with one Bencher each.**

This option would keep the Westminster-Burnaby-Coquitlam district but divide the southern party into Richmond-Delta (231) and Surrey-White Rock (198).

### STEP 5 (OPTION C)

**Constitute from parts of the Counties of Vancouver and Westminster four new electoral districts: Richmond-Delta, Surrey-White Rock, Westminster-Coquitlam and Burnaby, with one Bencher each.**

This option would further divide the northern area into New Westminster-Coquitlam (214 or 240 lawyers) and the City of Burnaby (186).

## Vancouver

### STEP 6

**Constitute a new electoral district of North Vancouver represented by one Bencher.**

The County of Vancouver can be divided into three distinct regions, with these approximate lawyer populations:

City of Vancouver	3900	90.5%
City of Richmond	151	3.5%
North Shore	257	6.0%

With over 90 percent of the lawyer population, the City of Vancouver tends to dominate the County over the

## Appendix B

Richmond and North Shore, even though these areas have a significant number of lawyers.

Like Richmond, the North Shore arguably has a different community of interest from the City of Vancouver by the suburban nature of legal practice. With 257 lawyers, the North Shore and surrounding area is almost as large in population as Nanaimo County and larger than three other counties, including one county with two Benchers.

The North Shore — including the Sunshine Coast and the Squamish-Whistler area — could accordingly be severed from the County of Vancouver, named North Vancouver Electoral District and allotted one Bencher.

What then remains is an electoral district of the City of Vancouver and the University Endowment Lands. The lawyer population of that area is about 3900 or 56% of all lawyers in B.C.

There are two key issues to decide in achieving equitable representation in this electoral district:

1. **How many Benchers should Vancouver be allotted?**

*The impact of allotting additional Benchers to Vancouver is described in step 7, options A to D below.*

2. **Should Vancouver be broken down further into new electoral districts?**

*This issue is described in Step 8, options A and B below.*

### STEP 7 (OPTION A)

#### Allot Vancouver Electoral District 18 Benchers.

The proposals to this point, if adopted, would result in the election of 16 Benchers outside of Vancouver. It is arguable that the City of Vancouver, with slightly over half of the lawyer population, should have slightly over half of the elected Benchers. The present County of Vancouver, with 62% of the lawyers in British Columbia has 52% of the elected Benchers.

If Vancouver Electoral District were allotted 18 Benchers it would have about 53% of the 34 total elected Benchers. That would make the lawyer-Bencher ratio in Vancouver 216.7 or 5.42% above the provincial average of 205.5.

### STEP 7 (OPTION B)

#### Allot Vancouver Electoral District 17 Benchers.

If Vancouver Electoral District were allotted 17 Benchers it would have at 52.5% of the 33 elected Benchers. That would make the lawyer-Bencher ratio in Vancouver 229.4 or 8.34% above the provincial average of 211.8.

### STEP 7 (OPTION C)

#### Allot Vancouver Electoral District 16 Benchers.

The result of the City of Vancouver having exactly half of the elected Benchers, 16 out of 32, would be a lawyer to Bencher ratio of 243.8 which would be 11.6% above the provincial average of 218.54.

### STEP 7 (OPTION D)

#### Allot Vancouver Electoral District 15 Benchers.

With 15 of 32 Benchers, Vancouver would have a lawyer to Bencher ratio of 260, higher than any other electoral

district.

### STEP 8 (OPTION A)

#### Divide the City of Vancouver and constitute a separate electoral district outside the downtown, with three Benchers.

According to a postal code breakdown, there are about 3,117 lawyers in downtown Vancouver (west of Carroll Street). In the rest of the City there are about 783.

Option 8A is intended to recognize the often significant differences in the practice of large and medium-size law firms, compared to the practice of small firms or sole practitioners, and the fact that areas of the City outside the downtown core now have little local Bencher representation.

### STEP 8 (OPTION B)

#### Divide the City of Vancouver into three electoral districts: Downtown Vancouver, Vancouver West, represented by two Benchers, and Vancouver East, represented by one Bencher.

This alternative would create three electoral districts in the City: the downtown (west of Carroll), the region west of Cambie Street (528 lawyers) and the region that is east of Cambie and east of Carroll downtown (255 lawyers).

### STEP 9

#### Request an amendment to section 6 of the *Legal Profession Act* to permit the appointment of an additional Lay Bencher.

With an increase in the number of elected Benchers, an additional Lay Bencher would ensure the influence of the Lay Benchers is not diluted.

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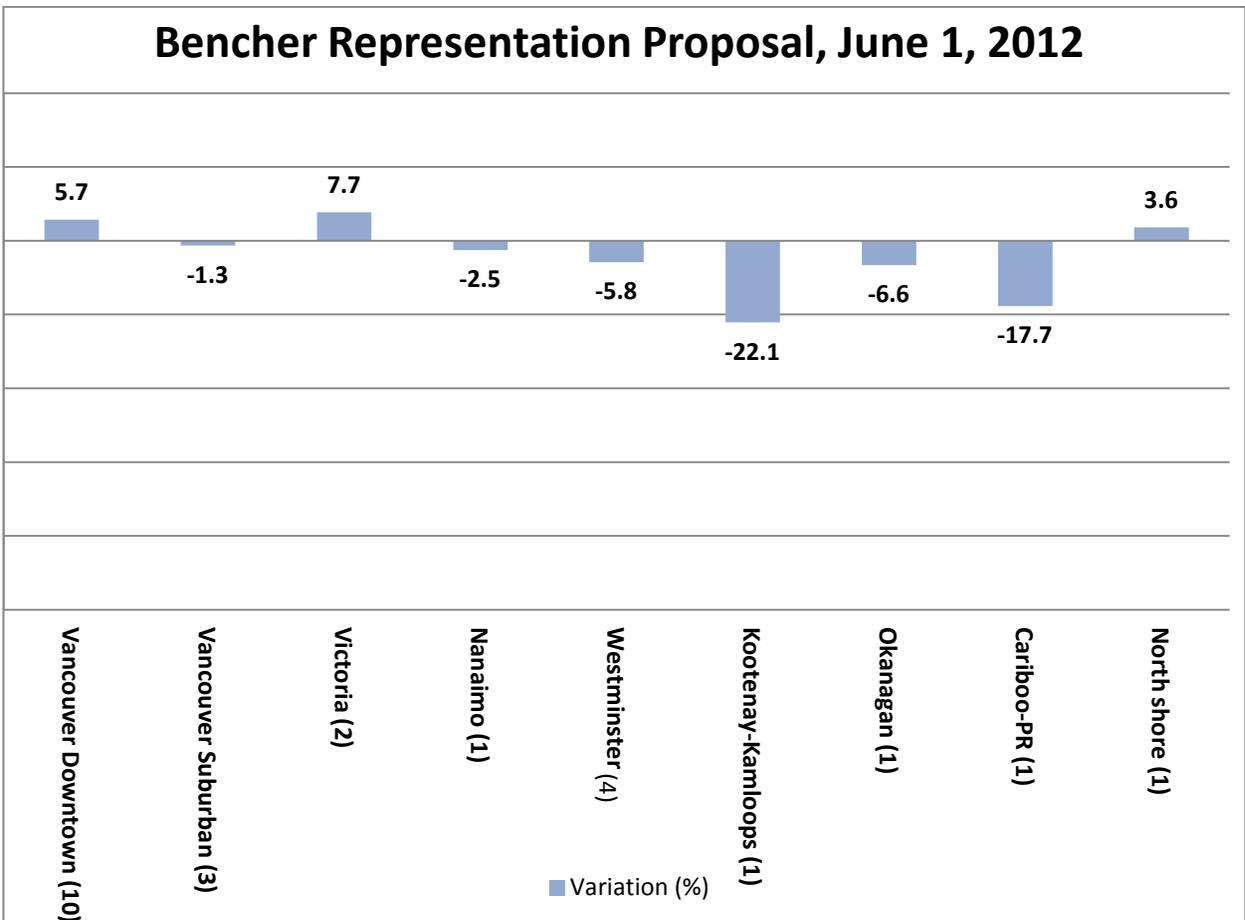
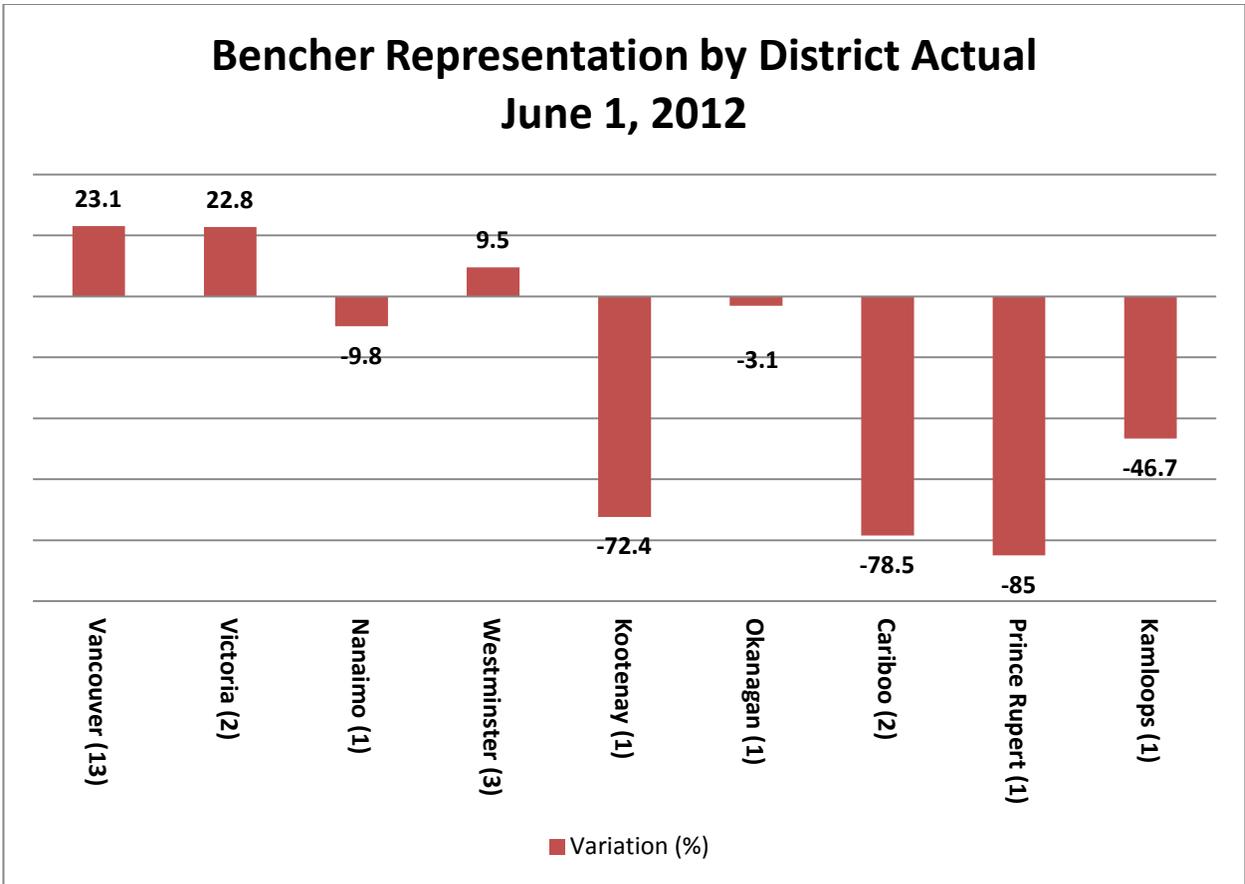
## Summary of proposed changes

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1. **Divide Yale County into two electoral districts: Okanagan and Kamloops, each represented by one Bencher.**
2. **Divide Cariboo County into two electoral districts: Prince George and Cariboo, each represented by one Bencher.**
- 3A. **Divide the Vancouver Island counties into three electoral districts: the *City of Victoria*, with two Benchers, and Malahat and Nanaimo, with one Bencher each.**
- 3B. **Divide the Vancouver Island Counties into three electoral districts: *Downtown Victoria*, with two Benchers, and Malahat and Nanaimo, with one Bencher each.**
4. **Constitute a new electoral district of Fraser Valley represented by one Bencher.**
- 5A. **Constitute from parts of the Counties of Westminister and Vancouver the following two electoral districts: Surrey-Richmond-Delta and**



## Appendix C



Appendix C

