

Law Society
of British Columbia



ANNUAL REPORT 2022

Regulating BC lawyers in the public interest



Who we are

Welcome.

The Law Society of British Columbia is the licensing and regulatory body for the legal profession in BC. We protect the public by setting and enforcing standards of professional and ethical conduct for lawyers. We provide information and resources for both lawyers and the public on the standards of conduct, the complaints and discipline process, and hearings, which are conducted by the Law Society Tribunal.

The Law Society also brings a voice to issues affecting the justice system and the delivery of legal services in BC, including Truth and Reconciliation, access to justice and mental health in the profession.

/ Territory acknowledgement.

The Law Society is located on the traditional territory of the Coast Salish Peoples, specifically the territories of the Skwxwú7mesh (Squamish), səlilwətał (Tseil-Waututh), and xʷməθkʷəy̓əm (Musqueam) First Nations.



A message

from Executive Director Don Avison, KC
and 2022 President Lisa Hamilton, KC

2022 was a year of meaningful progress for the Law Society as we took action on our strategic priorities and responded to new opportunities to innovate within the legal profession.



One of our primary focuses was considering and responding to the BC government's proposal to create a single legal regulator. The proposed regulatory framework aims to modernize governance of the legal profession and to increase access to justice. We are supportive of bringing the regulation of lawyers, notaries and licensed paralegals under one entity provided the board remains fully independent, diverse and continues to maintain a majority of lawyers.

In line with our commitment to Truth and Reconciliation, we launched the Indigenous Intercultural Course to provide lawyers with knowledge on the history of Indigenous-Crown relations, the legacy of residential schools and the impacts of the colonial roots of the legal system. Our Indigenous Engagement in Regulatory Matters Task Force also continued to review our processes and make recommendations to improve our ability to engage, address, and accommodate Indigenous complainants and witnesses.

Mental health in the legal profession was also a key focus. We have committed to reducing stigma and reviewing our discipline and admissions processes to better address mental health and substance use issues in the profession. Our Mental Health Task Force made progress in this area, in addition to reviewing recommendations from the National Study on the Psychological Health Determinants of Legal Professionals in Canada in order to inform actions to take here in BC.

As a regulator, we remain committed to our core work of qualifying new lawyers, ensuring trust assurance, and receiving, investigating, and resolving public concerns. This annual report reviews progress in all of these areas, as well as our work on our strategic priorities. Thank you for your ongoing support as we continue to fulfill our mandate of regulating lawyers in the public interest.

Our mission

To serve the public interest by regulating the competence and integrity of legal service providers, promoting the rule of law and lawyer independence, and improving access to justice.

Our values

- / Integrity:** We act honestly and ethically.
- / Transparent:** We are open in our processes and communications, and we report publicly on our decisions in a timely manner.
- / Inclusive:** We embrace and promote equity, diversity, inclusion and cultural respect within our leadership and staff, in the legal profession, the justice sector and with the public.
- / Objective:** We apply data-driven solutions, make evidence-based decisions and measure our results.
- / Innovative:** We are adaptive in our approach to regulation, with the goal of achieving efficient, fair and appropriate outcomes.
- / Responsive:** We are aware of the changing needs of the public and profession and respond to such change.
- / Fair:** We treat the public and the profession respectfully and are consistent in the application of our policies, procedures and practices.

Our vision

To be a leading regulator that promotes a culture of innovation and inclusivity in responding to the challenges and opportunities in the delivery and regulation of legal services.

Our goals



Leading as an innovative regulator of legal service providers.



Working toward reconciliation.



Taking action to improve access to justice.



Promoting a profession that reflects the diversity of the public it serves.



Increasing confidence in the Law Society, the administration of justice and the rule of law.

A year of progress

We accomplished a lot in 2022

TRUTH AND RECONCILIATION



The Law Society launched the Indigenous Intercultural Course, which is now mandatory for all lawyers in BC. The Indigenous Engagement in Regulatory Matters Task Force also gathered community feedback to inform recommendations to ensure Law Society processes are culturally safe for Indigenous complainants.

The Law Society considered and responded to the government's proposal to create a single legal regulator in BC, which will bring the regulation of lawyers, notaries public and licensed paralegals under one entity.

SINGLE LEGAL REGULATOR



MENTAL WELLNESS



The Law Society worked to identify ways to reduce the stigma of mental health issues, including the development of an alternative discipline program for lawyers facing health issues that led to conduct resulting in a complaint. The Mental Health Task Force also reviewed recommendations from the national survey on health and well-being of legal professionals.

The Law Society opened 855 complaint files in 2022. Staff also received training on Indigenous cultural safety and trauma-informed approaches to responding to complainants. Law Society Tribunal hearings resulted in 4 disbarments and 10 suspensions.

REGULATING LAWYERS IN THE PUBLIC INTEREST



Key performance indicators

Professional Conduct and Discipline

Complaints

Outstanding complaint files, start of year: **463**
Complaint files opened: **855**

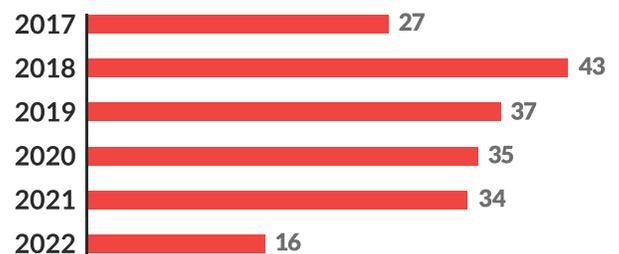
Total: **1318**

Complaint files closed: **751**
Outstanding complaint files at year end: **416**

Open Complaints Older Than One Year



Citations Authorized



Complaint Results

| | |
|------------------------------|-----|
| No Jurisdiction | 72 |
| Not Valid | 128 |
| Further Action Not Warranted | 212 |
| Withdraw/abandoned | 217 |
| Consent Agreement | 17 |
| Discipline Committee | 84 |
| ADP | 5 |
| Administrative Penalty | 13 |
| Practice Standards | 33 |

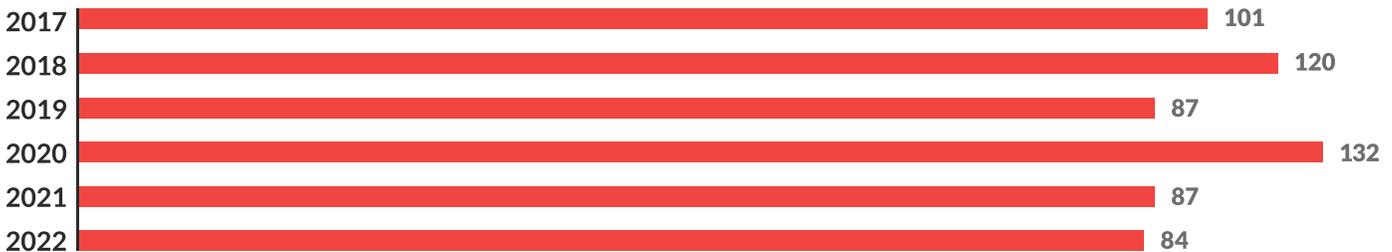
Prior Regulatory Involvement

| | |
|---|-----|
| Lawyers cited who had no prior regulatory involvement | 36% |
| Lawyers cited who had previously been involved with regulator proceedings | 64% |

Discipline committee



Referrals to Discipline Committee



Hearing Outcomes

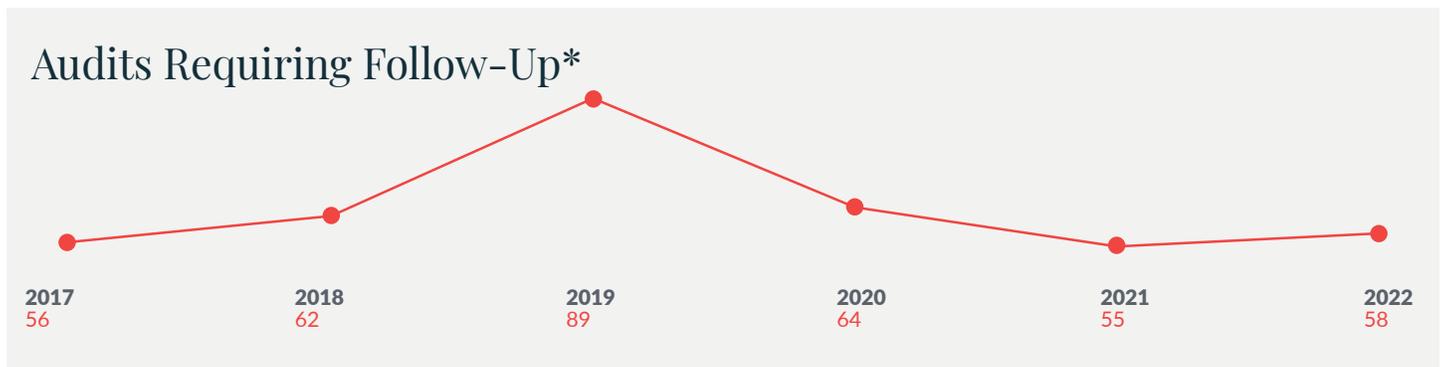
| | |
|---------------------------|----|
| Citations issued | 16 |
| Hearings completed | 24 |
| Hearing reviews completed | 3 |
| Disbarments | 4 |
| Suspensions | 10 |
| Fines | 7 |
| Reprimand | 1 |
| Rescissions | 3 |
| Dismissals | 0 |
| Undertakings | 3 |

Discipline Committee

| | |
|---|----|
| Conduct Review | 55 |
| Citation | 16 |
| Conduct Review w/ Practice Standards Referral | 6 |
| Conduct Meeting | 2 |
| Conduct Letter | 0 |
| No Further Action | 5 |

Trust assurance

All law firms are subject to accounting and reporting standards set out in the Law Society Rules. Every firm must file an annual trust report and is subject to compliance audits. Every law firm that handles trust funds is audited at least once every six years, or every four years for areas of practice considered to be at elevated risk. Except for a brief period shortly after the provincial health emergency was declared in March 2020, the Law Society was able to fulfill this important part of its public interest mandate through remote audits and the use of virtual technologies.



*Audit Referrals to Professional Conduct for 2022 is an estimate



Benchers

The members of the Law Society's governing board are called Benchers. The Benchers are responsible for the Law Society Rules, the Code of Professional Conduct for British Columbia, and governance policies for the administration of the Law Society. Twenty-five Benchers are elected by members of the legal profession and six are members of the public who are appointed by the provincial government. The president of the Law Society is a Bencher and serves a one-year term.



/ Lisa Hamilton, KC
Vancouver County
President



/ Christopher McPherson, KC
Westminister County
First Vice-President



/ Jeevyn Dhaliwal, KC
Vancouver County
Second Vice-President

Elected Benchers

- Kim Carter, Kamloops District
- Tanya Chamberlain, Vancouver County
- Jennifer Chow, KC, Vancouver County
- Cheryl S. D'Sa, Vancouver County
- Lisa Dumbrell, Vancouver County
- Brian Dybwad, Nanaimo County
- Brook Greenberg, KC, Vancouver County
- Katrina Harry, KC, Vancouver County
- Lindsay R. LeBlanc, Victoria County
- Geoffrey McDonald, Cariboo County
- Steven McKoen, KC Vancouver County
- Jacqueline McQueen, KC, Vancouver County
- Paul Pearson, Victoria County
- Georges Rivard, Cariboo County
- Kelly H. Russ, Vancouver County
- Gurminder Sandhu, Westminister County

- Thomas L. Spraggs, Westminister County
- Barbara Stanley, KC, Kootenay County
- Michael Welsh, KC, Okanagan County
- Kevin B. Westell, Vancouver County
- Sarah Westwood, KC, Prince Rupert County
- Gaynor C. Yeung, Vancouver County

Appointed Benchers

- Paul Barnett
- Sasha Hobbs
- Dr. Jan Lindsay
- Michele Ross
- Natasha Tony
- Guangbin Yan

Committees

Complainants' Review Committees

Credentials Committee

Discipline Committee

Executive Committee

Finance and Audit Committee

Practice Standards Committee

Access to Justice Advisory Committee

Equity, Diversity and Inclusion
Advisory Committee

Ethics and Lawyer Independence
Advisory Committee

Innovation Sandbox Advisory Group

Task Force + Working Groups

Indigenous Engagement in
Regulatory Matters Task Force

Lawyer Development Task Force

Mental Health Task Force

Trust Review Task Force





| New BC Lawyers | Male | Female | Non-binary |
|----------------|------|--------|------------|
| 2017 | 308 | 322 | |
| 2018 | 353 | 378 | |
| 2019 | 352 | 385 | |
| 2020 | 377 | 413 | |
| 2021 | 398 | 459 | |
| 2022 | 366 | 441 | 113 |

| Age Demographic of practicing BC lawyers | Male | Female | Non-binary |
|--|------|--------|------------|
| 20-39 | 2480 | 2730 | 133 |
| 40-54 | 2481 | 2249 | 38 |
| 55-64 | 1439 | 814 | 7 |
| 65+ | 1331 | 279 | 1 |
| No age submitted | 10 | 7 | 2 |

Status of lawyers registered with the Law Society

Practicing:
14,001

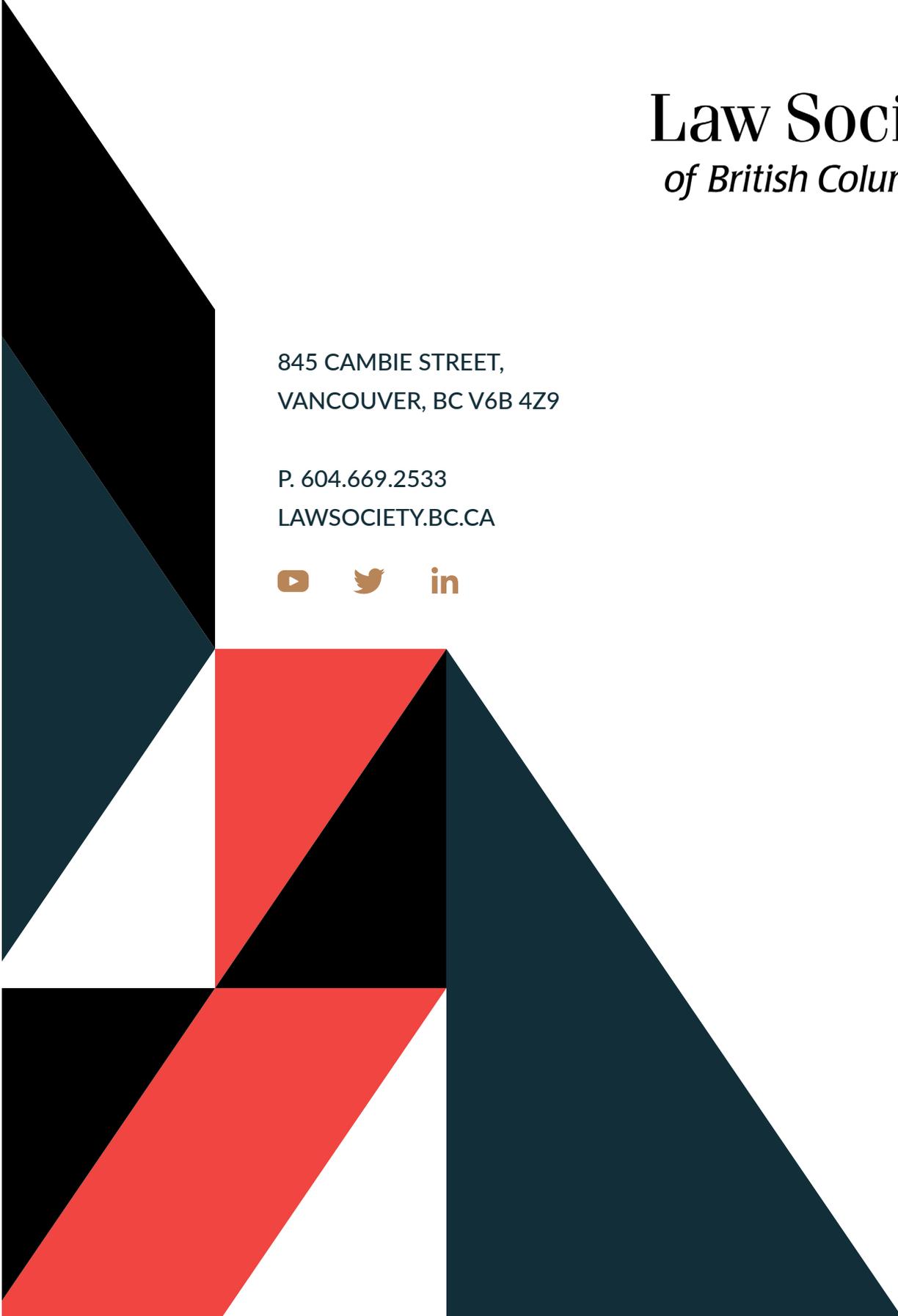
Non-Practicing:
1554

Retired:
1073

| Areas of legal practice in BC | # of lawyers |
|--|--------------|
| Civil litigation – plaintiff (including commercial, other non-motor vehicle) | 3953 |
| Administrative (including labour, immigration, regulatory bodies) | 3571 |
| Family (excluding incidental real estate, wills and estates) | 2917 |
| Civil litigation – defendant (including commercial, other non-motor vehicle) | 2568 |
| Wills and estates | 2025 |
| Commercial – other | 1980 |
| Criminal | 1444 |
| Corporate | 1329 |
| Real estate – residential (including lending) | 947 |
| Motor vehicle – plaintiff | 808 |
| Creditors’ remedies – defendant (including builders’ liens, foreclosure, insolvency) | 457 |
| Creditors’ remedies – plaintiff (including builders’ liens, foreclosure, insolvency) | 455 |
| Real estate – commercial (including development) | 376 |
| Mediation / Arbitration | 370 |
| Commercial lending transactions – borrower (may include a real estate component) | 328 |
| Tax | 255 |
| Motor vehicle – defendant | 234 |
| Commercial lending transactions – lender (may include a real estate component) | 221 |
| Intellectual property | 217 |
| Property management – residential or commercial | 165 |
| Securities (reporting companies) | 72 |

| Demographics | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|--|-------|-------|-------|-------|--------|--------|
| Aboriginal/Indigenous First Nations, Metis, Inuit | 2.7% | 2.7% | 2.7% | 2.8% | 3.0% | 2.9% |
| Racialized/person of colour | 14.6% | 15.3% | 16.4% | 17.6% | 18.75% | 19.73% |
| Person with a disability | 1.9% | 1.9% | 2.2% | 2.3% | 2.6% | 3.11% |
| Do not identify with characteristics | 55.8% | 53.9% | 51.7% | 52.3% | 52.6% | 50.33% |
| Choose not to answer | 21.8% | 23.1% | 23.5% | 21.1% | 18.9% | 19.27% |





Law Society *of British Columbia*

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