

Agenda

Bencher Meeting

Date:	Friday, July 4, 2025		
Time:	9:00 am – Call to Order		
Location:	The Bencher Meeting is taking place as a virtual meeting. If you would like to attend the meeting as a virtual attendee, please email BencherRelations@lsbc.org		
Recording:	The public portion of the meeting will be recorded.		
RECOGNITION			
1	2025 Rule of Law Essay Contest: Presentation of Winner and Runner-up	5 min	Brook Greenberg, KC
CONSENT AGENDA			
Any Bencher may request that a consent agenda item be moved to the regular agenda by notifying the President or the Manager, Governance & Board Relations prior to the meeting.			
2	Minutes of May 31, 2025 meeting (regular session)		
3	Minutes of May 31, 2025 meeting (in camera session)		
4	2025 Law Society Scholarship for Graduate Legal Studies		
5	2025 Law Society Indigenous Scholarship		
REPORTS			
6	President’s Report <ul style="list-style-type: none">Results of Election for Benchers’ Nominee for 2026 Second Vice-PresidentPresentation by President & CEO and Special Projects Team Lead of CanLII	45 min	Brook Greenberg, KC Francis Barragan President & Chief Executive Officer, CanLII Pénélope Roussel Special Projects Team Lead, CanLII

Agenda

7	CEO's Report <ul style="list-style-type: none"> Single Legal Regulator Update 	15 min	Gigi Chen-Kuo
8	Briefing by the Law Society's Member of the Federation Council	15 min	Brook Greenberg, KC
PRESENTATION			
9	Presentation of Equity Advisor Program	15 min	Sarah E. Sharp
DISCUSSION			
10	Practice Fee Rebate Program – Pilot Implementation	30 min	Brook Greenberg, KC
DISCUSSION & DECISION			
11	<i>Legal Profession Act</i> Amendments: Section 15(1) Exemption Applications	30 min	Gigi Chen-Kuo
UPDATE			
12	2025 May Financial Report	10 min	Jeanette McPhee
FOR INFORMATION			
13	Equity Advisor Program Report		
14	Bencher Eligibility for Re-election and Reappointment		
OTHER BUSINESS			



2025 Rule of Law Essay Contest: Presentation of Winner and Runner-up

To: Benchers

Purpose: Recognition

From: Ethics and Lawyer Independence Advisory Committee

Date: July 4, 2025

1. Since it was first held in 2015 in recognition of the 800th anniversary of the Magna Carta, the Rule of Law Essay Contest for BC secondary school students has been an important Law Society initiative to engage learning at the high school level about the fundamental role the rule of law plays in our democratic society.
2. The Essay Contest was again held this year, with submissions closing on April 17, 2025. Students were asked to write an essay of between 100 – 1500 words on the question:

How can the rule of law be affected — positively or adversely — through the actions of politicians or political parties? In your essay, reference any examples from Canada or the United States that illustrate your point.

3. Liam Skeoch, a grade 12 student at J.L. Crowe Secondary School in Trail, won with the essay “Politics and the Declining Trust in Dependent Legal Institutions” (**Appendix A**). Cindy Chen, a grade 11 student at St. Michael’s University School in Victoria, was selected as runner-up with the essay “Lawmakers or Lawbreakers: The Impact of Political Actors on Legal Integrity in North America.” (**Appendix B**).
4. The winner and runner-up are awarded \$1000 and \$500 respectively, and have been invited to attend the July 4th virtual Bencher meeting to be recognized for their achievements. Their essays will also be profiled on the Law Society’s website.
5. Congratulations to Liam and Cindy on their achievements. Thanks, too, to Thomas L. Spraggs, KC, Jennifer Chow, KC and Jon Festinger, KC who volunteered their time to judge the competition.

Name: Liam Skeoch

School: J.L. Crowe Secondary

Grade: 12

Email:

Phone:

Student #:

Teacher's Email:

Word Count: 1487 (Excluding In Text Citations)

Politics and the Declining Trust in Dependent Legal Institutions

Canada and the United States are both countries with rich, cultural connections to and histories of advocacy for the democratic rule of law. They have established systems that aim to uphold its core principles: equity, transparency, and efficiency in the application of justice. They both aspire to the universal application of the law, without exception for the wealthy or the elite. Although the principle is crucial, it is completely dependent upon the government that enforces it. Recently, political action within both countries has called into question whether we can trust the rule of law. Politicians maintaining their personal and party interests can limit legal transparency, covertly protect actors with party affiliation, and sometimes openly defy the law, which destroys the public trust that the judiciary depends on.

The majority of American people do not currently trust their legal system. A 2024 survey study and article by Gallup found that a record low of 35% of Americans responded “yes” when asked if they trust in the American judicial system (Vigers and Saad). This is significantly lower than the median response among OECD nations of 55%, and is a precipitous drop from 2020 when 59% of respondents recorded “yes”. This decrease in trust is, at least in part, attributable to the open violations of the rule of law by American politicians from 2020 onwards. President Donald Trump’s role in the January 6th attack on the capitol was an act of open defiance against democracy and the peaceful transfer of power, and his chiding ridicule of the rule of law as “rigged” has been undermining trust in the courts for years. When former President Joe Biden bragged about pushing his student loan forgiveness plan despite having been initially struck down by the supreme court, he demonstrated clearly his belief that his government, too, is above the law. Mr. Biden even went so far as to pardon his son, Hunter Biden, of his crimes after having made a point about respecting the rule of law and promising that his son would be

prosecuted fairly. It is no great mystery that Americans do not trust their courts when the rule of law is frequently and grossly undermined to suit the whims of politicians.

The National Justice Survey 2022 Infographic shows similar data in a Canadian context (Government of Canada). In 2022, 49% of respondents reported that they are not confident that the criminal justice system is fair to all people, and 39% are not confident that it is accessible to all people. Trust in the Canadian judiciary is lessening every year as more violations occur. In 2019, former Prime Minister Justin Trudeau and his aides allegedly pressured then Attorney General Jody Wilson-Raybould to overrule the Director of Public Prosecutions and grant SNC Lavalin, a Quebec firm that heavily lobbied for the Liberals, a deferred prosecution agreement that would allow them to escape corruption charges. This demonstrated a blatant violation of the law to protect a corporate-government relationship. Jean Chrétien's funnelling of millions of taxpayer dollars to advertising firms with Liberal Party ties in exchange for little to no work was another instance of corruption and misuse of public funds. The Liberal government's violation of Wet'suwet'en land sovereignty through the forcible installment of the Coastal GasLink pipeline and removal of protestors demonstrated further selectivity in the government's application of the law.

A comparative review of the statistics seems to suggest that today, Canadians have greater trust in their justice system than their American neighbours have in their own system respectively. It may be that this results from higher levels of partisanship in America, and it is actually political enmity that drives distrust in legal institutions. This theory is partly discredited by the Gallup data which suggests that there was a significant decrease in trust in the Judiciary

even among Democrats during Biden's presidency. Regardless, the citizens of both countries are rapidly losing trust in their institutions, and there can be little doubt that the frequent, public violations of the rule of law on both sides of the border contribute to this loss of confidence.

When citizens lose trust in the rule of law, when they no longer believe they are protected, that distrust often translates to cynicism. If the public comes to see the rule of law as an ideal that does not or cannot exist in practice, major consequences result. Firstly, subsequent violations of the rule of law seem less obscene. Citizens are lulled into a private acceptance that injustice is "just the way it is". Over time, this enables the government to get away with violations of a greater frequency and magnitude, until the rule of law is not respected at all. When Donald Trump implies he wants to run for a third term in an exclusive interview with NBC News, there is not a public uproar or a legal challenge (Welker and Lebowitz). Instead, thinking Americans let out an exasperated groan, and carry on, now all too familiar with regular threats to core American principles.

Secondly, cynicism degrades respect for and compliance with the law. If citizens perceive the law being applied only when convenient, and bending to accommodate politicians and lawmakers, they will be less compelled to abide by it. This does not necessarily mean that citizens who do not trust the courts are more likely to break the law, but rather that their distrust for the legal system creates an unwillingness to cooperate, dealing a blow to legal cohesion and undoing the benefits of procedural justice. In their study published April 15, 2024, entitled *Public Perceptions of Courts and Cooperation with Police*, Rylan Simpson and Laceé N. Pappas compared survey data to determine the correlation between trust in the courts and likelihood of

reporting minor crime, major crime, and likelihood of assisting police if asked. (Simpson and Pappas). They found a positive relationship between participants' perceptions of courts and their willingness to report minor crime and major crime, but that the participants' opinions of the courts were not significantly related to their likelihood of assisting police if asked. This indicates that when directly commanded by the police, citizens are just as likely to comply regardless of their trust in the justice system, but that citizens distrustful of the courts will be less likely to report the crimes they witness when they are not under the direct supervision of the police.

Finally, history tells us that a nation is most susceptible to violent citizen reaction when its legal institutions are not trusted by its people. The unfair legal treatment of Black and Indigenous people in Canada and the USA has contributed to the frustration of those populations, and various violent riots have occurred, usually spurred on by catalyst events. The police killing of Rodney King was met with six days of riots, 63 deaths, and billions in damage. George Floyd's death and the emergence of the Black Lives Matter protests is a similar example. The violation of Mohawk land and the Oka Crisis in Canada is one the largest instances of Indigenous resistance. Stability deeply depends on the trust citizens have in their legal institutions.

At every level of citizen interface with the justice system, whether it is reporting a crime, giving a testimony at trial, or filing a civil suit to get recompense, the system requires citizens to cooperate; not the kind of cooperation that only exists within striking distance of a police baton, but the kind that extends from the belief that the justice system will actually mete out justice. When politicians excuse themselves from the laws that apply to everyone else, the courts are

made to be untrustworthy in the eyes of the public, and the cynicism that results normalizes continued violations and, perhaps most destructively, undermines citizen cooperation. Without cooperation from the citizens it is supposed to protect, the justice system utterly fails to be able to continue serving its core purposes, and in the worst cases, the citizens respond violently.

While it seems that these countries are on a trajectory for greater cynicism and the resulting consequences, it is also possible that they may remedy these issues by building trust, optimism, and hope in the people. Political parties must unconditionally prioritize our institutions over their personal interests, and foster a sentiment that the government understands and is trying to address the issues of the people. No matter how trustworthy the courts actually are, politics is one of the most visible facets of the system. If the public perceives that the law is beholden to political maneuvering and that it is thus inconsistent in its justice, they will not trust the law when they need it or when it needs them. In this way, even the misfounded perception that a legal system is unjust tangibly impacts how effective that system can be, making that uncertainty a self-fulfilling prophecy. The rule of law fundamentally depends on the perceived transparency, legitimacy, and trustworthiness of politicians and political parties: when they lie or serve themselves first, the judicial system suffers.

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APPENDIX B

Name: Cindy Chen

School: St. Michaels University School

Grade: 11

Email:

Phone Number:

Student Number:

Teacher Contact Email:

Course: Law Studies 12

**Lawmakers or Lawbreakers: The Impact of Political Actors on Legal Integrity in North
America**

In Abraham Lincoln's 1863 Gettysburg Address, he famously stated the United States is a "government of the people, by the people, for the people." Nevertheless, what are the ramifications when the government no longer acts in the interest of *the people*—but instead prioritizes political gain, party loyalty, or personal power over the rule of law and democratic principles? Defined by the United Nations (2023), rule of law is "equality before the law, accountability to the law, fairness in the application of the law... and procedural and legal transparency." Rule of law is a double-edged sword that political actors wield to the fortune or detriment of their state.

The foundation of Canada's liberal democracy is built on the *Canadian Charter of Rights and Freedoms* (Government of Canada, n.d.). Alongside the establishment of legitimizing political bodies such as the Supreme Court of Canada, democratic checks and balances in North American countries ensure the viability of rule of law. This essay will argue the positive and negative: politicians and their adjacent parties can preserve rule of law by obeying the verdicts created by governing bodies. However, the extensive amounts of power at the disposal of political executives can be exploited to erode safeguards protecting rule of law.

Despite the various checks and balances in both the United States and Canada's political systems, a politician's choice to respect and comply with legal decisions actively preserves the idea that no one is above the law, including those in power. The voluntary compliance from politicians is crucial especially when the outcomes may conflict with both personal and political interests. This voluntary restraint signals a commitment to democratic norms of individual gain, demonstrating that leadership is not exempt from the rule of law. In Canada and the United States, institutions such as the Supreme Court depend on the executive branch's willingness to

enforce and respect rulings. These institutions lack a powerful degree of direct enforcement mechanisms, so their effectiveness is inherently tied to the integrity and cooperation of high-ranked political leaders. When politicians abide by decisions that may restrict their power or contradict their political agenda, leaders reinforce the foundation of rule of law. This is particularly important as these active decisions made by politicians uphold existing laws but simultaneously demonstrate that politicians are subject to the law. In doing so, politicians' actions ensure the functionality of rule of law in a state.

The SNC-Lavalin Affair of 2014 is a historical example of the importance of politicians upholding the integrity of rule of law (Wallenfeldt & Rayside, n.d.). By attempting to interfere in the corruption case that involves Quebec company SNC-Lavalin, former Prime Minister Justin Trudeau violated conflict of interest rules. Moreover, the federal ethics commissioner found that there were multiple ways in which Justin Trudeau attempted to influence the Attorney General. While never issuing a formal apology, Trudeau critically acknowledged and accepted responsibility for his actions upholding the importance of rule of law. While seemingly insignificant, Justin Trudeau's compliance protects the independence of the judiciary by reinforcing the notion that the application of the law is universal.

On the other hand, political executives are able to exploit safeguards protecting the rule of law. Despite democratic systems being designed with checks and balances, executives hold concentrated power that allows for institutional manipulation. This manipulation can occur subtly through legal mechanisms, such as issuing executive orders, appointing loyal officials to key roles, or pushing legislation that expands their executive authority (Stanford Encyclopedia of Philosophy, 2016). While appearing legitimate on the surface, they can gradually erode the balance of power and reduce the effectiveness of accountability mechanisms. Furthermore, the

perception that leaders are above the law can lead to a decline in public trust in democratic institutions. Citizens may begin to view legal protections as subject to political influence which consequently diminishes the legitimacy of the legal system. Over time, this negative cycle can create an environment where the rule of law exists more in theory than in practice, allowing for executive overreach and the gradual breakdown of democratic norms.

In 2011, Bill C-7 was introduced by former Prime Minister Stephen Harper in an attempt to amend the Constitution Act of 1867 by altering the term limits (Library of Parliament, 2011). Citing that the current Senate “is supported by virtually no Canadian” (BBC News, 2014). However, in a unanimous decision by the Supreme Court, the reform was rejected. While this attempt to alter the Canadian Senate was unsuccessful, a parallel situation can be drawn from Russia. On January 15 of 2020, the current President of Russia Vladimir Putin amended Russia’s constitution. While the current Russian Constitution forbids President Putin from seeking a third term, his new amendment overruled the previous. In addition, Putin’s reforms gave him the ability to reset his time in office to zero - thereby allowing him to continue his time in power (RFE/RL's Russian Service, 2021). President Putin’s actions illustrate how a leader’s ability to manipulate legal frameworks can override established laws and dismantle institutional constraints. While former Prime Minister Stephen Harper’s actions attempted to alter a major Canadian political institution, his attempt was denied. However, if a political executive does possess the power to alter the rules governing their own authority without checks or balances, the foundational principle that no one is above the law is eroded. Therefore, the legal system becomes a tool that legitimizes personal power rather than limiting it.

In summary, rule of law ensures that no leader, regardless of power, is immune to legal accountability. However, the leader must also simultaneously abide by the decisions made by

legal institutions. In North American democracies in Canada and the United States, institutions are built to limit executive overreach. Yet, their strength ultimately depends on whether those in power choose to uphold or undermine them. While some leaders respect institutional limits and accept legal decisions that conflict with their power, others may exploit legal loopholes and institutional weaknesses to consolidate their power. This duality shows that rule of law is not only a foundational principle, but also a crucial practice - one that can be both defended or dismantled depending on the actions of the individual in power. When leaders act with integrity they reinforce the democratic values upon which their nations are built. Conversely, when power is prioritized over principle, rule of law becomes an illusion and democracy is threatened. The future of both rule of law and democratic governance hinges not only on the design of institutions, but on the choices made by those that are entrusted to lead them.

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Law Society *of British Columbia*

Bencher Meeting: Minutes (Draft)

To: Benchers

Purpose: Approval (Consent Agenda)

Date: Saturday, May 31, 2025

Present:

Brook Greenberg, KC, President	Benjamin D. Levine
Thomas L. Spraggs, KC 1st Vice-President	Dr. Jan Lindsay
Michael Welsh, KC, 2nd Vice-President	Jaspreet Singh Malik
Simran Bains	Marcia McNeil
Paul Barnett	Jay Michi
Aleem Bharmal, KC	Georges Rivard, KC
Tanya Chamberlain	Michèle Ross
Nikki L. Charlton, KC	Gurminder Sandhu, KC
Jennifer Chow, KC	Nicole E. Smith
Christina J. Cook, KC	Barbara Stanley, KC
Cheryl S. D'Sa, KC	James Struthers
Tim Delaney	Natasha Tony
Katrina Harry, KC	Kevin B. Westell
Ravi R. Hira, KC	Gaynor C. Yeung, KC
James A. S. Legh	Jonathan Yuen

Absent: Sasha Hobbs

Staff present:	Avalon Bourne	Michael Lucas, KC
	Barbara Buchanan, KC	Tara McPhail
	Gigi Chen-Kuo	Jeanette McPhee
	Kerryn Holt	Carrie Robinson
	Jeffrey Hoskins, KC	Lesley Small
	Joyce Johner	Christine Tam
	Nicolette Lang-Andersen	Adam Whitcombe, KC

Guests:	Kyle Dear	President, Law Society of Manitoba
	Teresa Donnelly	President, Federation of Law Societies of Canada
	Jonathan G. Herman	Chief Executive Officer, Federation of Law Societies of Canada
	Leah Kosokowsky	Chief Financial Officer, Courthouse Libraries BC
	Desmond MacMillan	Assistant Dean of Law, Thompson Rivers University
	Bud Melnyk, KC	President-elect, Law Society of Alberta
	Elizabeth Osler, KC	Chief Executive Officer, Law Society of Alberta
	Stacy Petriuk, KC	President, Law Society of Alberta
	Linda W. Russell	Chief Executive Officer, Continuing Legal Education Society of BC

Oath Of Office

1. Administer Oaths of Office

President Brook Greenberg, KC administered an oath of office (in the form set out in Rule 1-3) to newly elected Bencher Nicole E. Smith.

Consent Agenda

2. Minutes of April 11, 2025, meeting (regular session)

The minutes of the meeting held on April 11, 2025 were approved unanimously and by consent as circulated.

3. Minutes of April 11, 2025, meeting (*in camera* session)

The minutes of the *in camera* meeting held on April 11, 2025 were approved unanimously and by consent as circulated.

4. Law Society Representatives appointed pursuant to *King's Counsel Act*

The following resolution was passed unanimously and by consent:

BE IT RESOLVED the Benchers appoint President Brook Greenberg, KC and First Vice-President Thomas L. Spraggs, KC as the Law Society's representatives to be consulted pursuant to section 2(2)(c) of the *King's Counsel Act*.

5. 2025 Annual General Meeting: Advance Voting

The following resolution was passed unanimously and by consent:

BE IT RESOLVED the Benchers authorize the Executive Director to permit members of the Society in good standing to vote by electronic means on general meeting resolutions in advance of the 2025 AGM, in accordance with Rule 1-13.1.

6. Ethics & Lawyer Independence Advisory Committee: Draft Amendment to *BC Code* relating to Single Party Communication Rule

The following resolution was passed unanimously and by consent:

BE IT RESOLVED to amend rule 5.1-2.3 of the Code of Professional Conduct for British Columbia by adding to Commentary [4] the following sentence:

“Clearly understood or well-communicated processes, authorized or issued by particular tribunals, that permit or encourage single party communications will also be considered authorized by law for the purposes of this provision.”

7. Revised Statement of Investment Policies

The following resolution was passed unanimously and by consent:

BE IT RESOLVED that Benchers adopt the ‘Statement of Investment Policies and Procedures’ included in the May 31, 2025 Bencher meeting materials, which replaces Appendix 1 - Investment Guidelines of the Bencher Governance Policies.

Reports

8. President’s Report

President Greenberg, KC began his report by welcoming the new elected Bencher for Nanaimo County, Nicole E. Smith

Mr. Greenberg spoke about the recent passing of John Hunter, KC, former Bencher and President of the Law Society, and former Council member and President of the Federation of Law Societies of Canada and his many contributions to the profession and to the public.

Mr. Greenberg then referred Benchers to the recent statement issued by the Law Society regarding comments made by the Premier in reference to the Lapu-Lapu attack. He expressed his condolences to the victims, their families, and all those affected. Mr. Greenberg spoke about the duty of the Law Society to protect the public interest in the administration of justice, including through the preservation and protection of the rights and freedoms of all persons, free from political interference, and expressed his concerns regarding the possibility of the Premier’s statements undermining public confidence in BC’s justice system. He also expressed his concerns regarding the absence of this duty to protect the public interest in the administration of justice in the new *Legal Professions Act*.

Mr. Greenberg concluded his remarks with a summary of recent and upcoming call and welcome ceremonies.

9. CEO’s Report

Gigi Chen-Kuo, CEO and Executive Director, began her report with an update regarding Access to Justice BC’s new strategic plan and the Health and Justice Alliance, the purpose of which is to undertake collaborative action across the legal and medical sectors.

Ms. Chen-Kuo updated Benchers on the work being done to support the development of the Western Canada Competency Profile. She indicated that there would be more to come regarding this matter in the fall.

Ms. Chen-Kuo concluded her remarks by speaking about National Indigenous History Month. She indicated that the Law Society would be sharing a number of resources for staff, the profession, and the public, to celebrate and learn more about the culture and histories of Indigenous peoples.

Guest Presentation

10. Updates from the Federation of Law Societies of Canada and Western Law Societies

Mr. Greenberg welcomed and introduced Teresa Donnelly, President of the Federation of Law Societies of Canada, Jonathan Herman, CEO of the Federation of Law Societies of Canada, Stacy Petriuk, KC, President of the Law Society of Alberta, Bud Melnyk, KC, President-elect of the Law Society of Alberta, Elizabeth J. Osler, KC, CEO and Executive Director of the Law Society of Alberta, Kyle Dear, President of the Law Society of Manitoba, and Leah Kosokowsky, Chief Executive Officer of the Law Society of Manitoba.

Ms. Donnelly, Ms. Kosokowsky, and Ms. Petriuk provided updates regarding the work and priorities of the Federation of Law Societies of Canada, the Law Society of Manitoba, and the Law Society of Alberta, respectively.

Discussion/Decision

11. Strategic Planning Process Update

Ms. Chen-Kuo introduced the item and provided some background regarding the Law Society's current strategic plan, which would be concluding at the end of this year, as well as an overview of the proposed process for the development of a new strategic plan. Ms. Chen-Kuo indicated that the aim would be to have a draft of the plan to be brought forward for Bencher consideration in the fall.

Benchers discussed the proposed approach to the strategic planning process and provided feedback that it would be helpful for Benchers to have further involvement at an earlier stage in the development of the plan. Ms. Chen-Kuo advised that the process would be approached one step at a time, with each step likely informing the future direction of the development process, including additional opportunities for Bencher involvement. She thanked Benchers for their input and indicated that all of the feedback would be taken away for further consideration. Benchers

were encouraged to provide input regarding the strategic plan initiatives and objectives directly to President Greenberg and Ms. Chen-Kuo throughout the process.

12. Trust Review Task Force: Consultation and Related Considerations

Mr. Greenberg introduced the item and provided some background information regarding the final report and recommendations of the Trust Review Task Force, which was presented at the February 2025 Bencher meeting. He spoke about the consultation that then took place from April 14 to May 9, during which a total of eight submissions were received.

Benchers discussed the recommendations included in the final report, in particular recommendation 38, which contemplated a policy change so that the Trust Administration Fee (TAF) will apply to all client matters with a trust transaction, without exemptions. Several Benchers expressed concerns about this policy change and were of the view that alternative approaches should be considered.

A motion to adopt all of the recommendations as presented within the report from the Trust Review Task Force, with the exception of recommendation 38, was unanimously approved.

A motion to adjourn recommendation 38 as presented within the report from the Trust Review Task Force for further consideration prior to bringing it back to a future Bencher meeting was approved by the majority of Benchers, with one abstention.

For Information

13. External Appointments: Continuing Legal Education Society of BC

There was no discussion on this item.

The Benchers then commenced the *in camera* portion of the meeting.

AB
2025-06-23

Law Society

of British Columbia

CEO Report

To: Benchers

Purpose: Report

From: Gigi Chen-Kuo

Date: July 4, 2025

1. 2024 Articling Program Assessment: Cross-Provincial Results

In 2024, the Law Societies of British Columbia, Alberta, Manitoba, Saskatchewan, and the Nova Scotia Barristers' Society surveyed articling students and new lawyers, as well as principals, mentors and recruiters. Each province received a 2024 articling survey report of their findings, which are available on the respective websites. An analysis of the data across the jurisdictions has now been completed to produce a cross-jurisdictional report.

The cross-jurisdictional report offers valuable insights and identifies themes across the jurisdictions. This will allow the provinces to seek opportunities for collaboration on next steps as we continue our work to enhance the articling experience and entry level practice. The ongoing work related to the Western Canada Competency Profile (WCCP) reinforces the Benchers' decision to define entry level competence and evaluate the current admission program, including assessing which competencies should be met through bar admission training courses and which should be met through articling, and developing more guidance for principals. It is expected that further information and recommendations flowing from the work related to the WCCP will be brought to the Benchers for consideration in the Fall of 2025.

2. Single Legal Regulator Update

The transitional board and the transitional Indigenous council held their most recent meeting on Wednesday, June 18, 2025. This was the first meeting attended by their Project Director, who provided an outline of the workplan that he is developing for the transitional board and the transitional Indigenous council. This was also the first meeting at which the two Indigenous advisors hired by the transitional Indigenous council had the opportunity to prepare materials for the meeting and to attend in person.

The transitional board and the transitional Indigenous council were asked to provide direction on several matters. They indicated that they would like the first set of Rules to provide for a licensing committee, for the purposes set out in the *Legal Professions Act* (the Act). In addition, they noted that the future indemnity program should be a unified program for all the legal professionals under the Act.

The next meeting of the transitional board and transitional Indigenous council is scheduled for September 17, 2025. They are also planning to convene an all-day retreat on August 19, 2025.

3. Payment by Credit Card Update

The Law Society's credit card provider recently confirmed they are in the process of modifying their systems to enable credit card fees to be charged directly to users. The provider anticipates that

this functionality will be ready in late fall of this year or the first half of 2026. Once this functionality is in place, we plan to add credit cards as an option for payment of annual fees.

4. External Meetings and Events

I had the privilege of attending my first King’s Counsel ceremony on June 17, 2025 at Government House in Victoria. It was inspiring to learn about the exceptional contributions made to the legal profession in British Columbia by the 29 recipients of the King’s Counsel designation for 2024, which included five of our current Benchers: Nikki L. Charlton KC, Christina J. Cook KC, Georges Rivard KC, Thomas L. Spraggs KC, and Gaynor C. Yeung KC.

On June 26, 2025, the final report of the Public Legal Education and Information (PLEI) Sectoral Planning Project led by Dr. Catherine Dauvergne KC, FRSC was published. The report is titled “Flourishing: A plan to strengthen public legal education and information” and includes 30 recommendations aimed at strengthening PLEI resources, services and supports. I was in attendance at the launch event and spoke of the Law Society’s strong support for the recommendations, our willingness to issue a public statement conveying our support for PLEI initiatives, and an invitation for proposals to be submitted to our Innovation Sandbox.

5. Bencher Retreat

Thank you to First Vice-President, Thomas L. Spraggs, KC for leading the planning of our May Bencher retreat, the theme of which was “Purpose-Driven Governance.” The program for the conference provided the Benchers and attendees with an overview of general board governance principles and best practices applicable to an independent regulator of legal services. Additional topics included ‘right-touch’ regulation and recent developments in artificial intelligence and cybersecurity.

We were also fortunate to have the Honourable Jody Wilson-Raybould, PC, OBC, KC provided a keynote speech about reconciliation and understanding and engaging Indigenous governance principles and practices. We plan to build on this important work in the coming year.

6. Pulling Together Canoe Journey

For over 20 years, the Pulling Together Canoe Society has organized canoe journeys, bringing together Indigenous people and organizations, police, and government and public service agencies to advance meaningful reconciliation by respectfully learning and understanding each other’s cultures. This is the Law Society’s third time participating in the canoe journey, and this year it is taking place from July 6 to 14, 2025 traveling through WSÁNEC, Malahat, and Cowichan Territory. We believe participating in this journey will be an important step in our work towards meaningful reconciliation.

7. Employee Engagement Survey

Staff have been invited to participate in an anonymous and voluntary survey that will be conducted by a BC-based, third-party consulting firm that specializes in providing customized Human Resources Services, including organizational surveys. This survey will support our ongoing efforts to better understand staff experiences and plan for the future.

Feedback from the survey will provide baseline results that we can use to monitor the effectiveness of new initiatives and improve employee satisfaction.



Briefing by the Law Society's Member of the Federation Council

To: Benchers

Purpose: Report

From: Brook Greenberg, KC
Law Society Representative on the Federation Council

Date: July 4, 2025

Purpose

1. This memorandum is intended to provide a summary of the Federation Council meeting held on June 9, 2025, in Ottawa.

E-Decisions

2. Prior to the meeting, the Federation Council was asked to pass two housekeeping and one substantive motion by email vote in May.
3. The housekeeping motions were:
 - a. to replace Second Vice President Mark Mossey, who was appointed a Justice of the Nunavut Court of Justice on February 18, 2025; and
 - b. to fill a number of committee vacancies created by changes in law societies and Federation personnel.
4. The substantive motion, which was presented electronically for timing reasons, was to approve the CanLII request for capital funding for the development of its generative AI search tool.
5. The CanLII budget presented on December 9, 2024, included the CanLII request, but a decision on the request was deferred to allow the Law Society of Ontario, which is responsible for the largest portion of the *pro rata* cost, to provide its approval.
6. At the time of the December 9 Council meeting, the other Law Society CEOs, including the CEO of the LSBC, had communicated approval in principle for the request.
7. Following the consultation period, and the Law Society of Ontario's approval of the request, the motion was brought electronically and passed unanimously.

The Federation Council Meeting

8. The Federation Council met in-person on June 9, 2025, at the Federation offices.
9. In addition to the Federation Council members, Melinda Moch participated in the meeting as a representative of the Indigenous Advisory Council (the "IAC").

Guest Presentations

10. The Federation was fortunate to have a number of highly regarded guest speakers address the Council.

11. The Chief Justice of Canada, The Right Honourable Richard Wagner attended the meeting in-person.
12. The Chief Justice discussed the Supreme Court's recent tour and events celebrating the 150th anniversary of the Court. On the tour, members of the Court sought to meet the public, law students, the bar, and other members of the judiciary.
13. The Chief Justice reported that in discussion with all of these groups, the same concerns were consistently raised as to the sanctity of the rule of law, and whether the attacks on the judiciary, the legal profession, and the justice system occurring in the United States could happen here.
14. The Chief Justice's responses to these concerns were that Canada is a superpower in respect of the rule of law in that Canada has good judges, good lawyers, good law schools, and that judges in Canada are independent, impartial, and governed by express ethical rules.
15. In response to questions from members of Council, the Chief Justice contended that the main way to secure the rule of law is to keep talking about it, to discuss why it matters, how it affects everyone in practical ways, and what diminishment of the rule of law would mean for people.
16. In reply to another question about diversity on the bench, the Chief Justice explained that Canadian courts generally were becoming more diverse and reflective of society, and that was true of the Supreme Court as well. The Chief Justice noted that the courts expressly invite applications from members of equity deserving groups, and that more such applications were being received.
17. Finally, in answer to another question, the Chief Justice discussed the Court's efforts to translate particularly important, older SCC decisions.
18. After the Chief Justice addressed Council, the new Minister of Justice and Attorney General of Canada, The Honourable Sean Fraser attended the meeting in-person.
19. Prior to the Minister addressing Council, the Chief Justice and the Minister had their first, brief, in-person meeting together in the Federation offices.
20. Minister Fraser spoke to the Council about the government's legislative agenda in respect of justice issues. In particular, the Minister discussed Bill C-2 with respect to the border, and Bill C-5 with respect to major projects.
21. The Minister also advised that he expected to see "conversations" around UNDRIP and the duty to consult, as well as reforms around bail and sentencing, gender-based violence and intimate partner violence, labour mobility, and regulation of immigration consultants.

22. In response to a question about whether the government would provide operational funding for consultation efforts, rather than just project-based funding, the Minister advised that consultation generally needs to be project and location specific, but acknowledged that capacity to consult needs to be built everywhere.
23. In reply to a question about how the government will address the increased need for legal representation that bail reform will create, the Minister contended that is largely a provincial issue, but that “legal aid is on our radar”.
24. In answer to a question about federal legislation undermining solicitor-client privilege and law societies’ regulation of the legal professions, the Minister explained that effects on solicitor-client privilege and regulation are more likely to be unintended consequences or oversights, rather than express attacks. The Minister said he would work with the Federation in respect of our concerns in those respects.
25. Finally, in answer to a question about erosion worldwide of respect for the rule of law, the Minister advised that he takes threats to the rule of law very seriously, and would be happy to discuss with us ways to safeguard independence of all justice related institutions.
26. Next, the President of the American Bar Association, William Bay, addressed the Council virtually, with respect to independence of the bench and the bar, and the attacks on the rule of law occurring in the United States.
27. President Bay provided a number of examples of clear and startling attacks on the independence of lawyers and judges occurring in the United States.
28. Government representatives have called for impeachment of judges who have found against the government. Elected officials have posted wanted signs in relation to judges, and couched criticism of judges in highly derogatory and partisan terms.
29. President Bay described this as a blatant attempt to intimidate judges. Of greater concern was the relative lack of condemnation of these attacks, other than by the ABA and local bar associations, which had made a concerted effort to come to the defence of judges.
30. The President referred to Donald Trump’s executive orders in respect of particular firms and lawyers, and contended that attacks on lawyers are an assault on everyone’s rights and their ability to have their rights defended.
31. The Trump administration has also defunded efforts to promote the rule of law and has targeted all forms of promotion of diversity.
32. President Bay set out the efforts the ABA was making to highlight how problematic the attacks on the rule of law are, and to garner greater support for the rule of law, as well as

more denunciation of these actions.

33. In response to a question about whether there was anything else or different the ABA would have done in retrospect to better address the attacks on independence preventively, President Bay advised that getting more allies, including internationally, has been helpful. Consequently, it is important to band together and defend the rule of law as a coalition, and to build up that coalition as much as possible, as quickly as possible.
34. President Bay highlighted that the rule of law would be a topic of significant discussion at both the ABA and IBA meetings to be held in Toronto this year.
35. A final guest, Drew LaFond, President of the Indigenous Bar Association attended the meeting virtually.
36. President LaFond identified that the main areas of activity for the Indigenous Bar Association were:
 - a. Legal advocacy: as an example, the Association had provided a community-based impact statement in the sentencing related to the death of an indigenous woman in Thunder Bay.
 - b. Law reform: the Association makes recommendations in respect of legislation, including providing comments on proposed legislation, as well as proposing initiatives.
 - c. Support for those in practice: the Association seeks to maintain connections and provide resources for indigenous practitioners throughout Canada.
37. President LaFond also addressed some difficulties resulting from the current political climate that the Association was seeking to address, including that while the US-Canadian relationship has become strained, that has not been reflected with respect to indigenous relationships, many of which do not conform to the US-Canada border. The Association has sought to help maintain those relationships irrespective of US-Canadian issues.

Updates from Select Jurisdictions

38. I again provided an update, *in camera*, with respect to the Single Legal Regulator litigation, transition, and related matters.
39. The Council member from Alberta again provided an update, *in camera*, with respect to the Alberta Government's "review" of professional regulatory bodies.

Strategic Planning

40. There was significant discussion of the development of the Federation's strategic plan, including having a governance review.
41. The consensus was that while the strategic planning session in March was a useful exercise, the strategic objectives the session identified were not a full plan in and of themselves.
42. Council discussed how the objectives could be developed into a more comprehensive plan.
43. It was agreed that in light of Council's discussions, development of a true strategic plan would take considerable time and effort.
44. Since the time for such work was limited, and given the need for approval of the plan this year, Council determined that President Donnelly should create a working group to synthesize the discussions both from the strategic planning session and the Council meeting, to create a draft strategic plan for consideration at Council's October meeting.

International Activity Plan

45. There was, again, significant discussion with respect to the Federation's International Activity Plan, the approval of which for 2025 and 2026 had been deferred from the March 2025 meeting.
46. Much of the discussion centred around the tension between what Council had heard earlier in the meeting from President Bay with respect to the value of meeting and garnering global support for the rule of law, and the desire expressed by some law societies to have the Federation engage in less international outreach.
47. Council determined to defer approval of the International Activity Plan for 2026 pending the outcome of the strategic planning process, which would include discussion of international outreach.
48. With respect to 2025, there was consensus that Federation representatives (the President and CEO) should attend the ABA and IBA conference as budgeted and planned for, particularly as both events were in Toronto.
49. The only additional event in the 2025 International Activity Plan was the President of the Federation's planned and budgeted for attendance at the "Opening of the Legal Year" in London, England.
50. While the event has a ceremonial sounding title, it is essentially a conference, the theme of which this year is the "threats to lawyers as the profession comes under mounting global pressure". The event includes discussion of the Council of Europe Convention on

the Protection of the Profession of Lawyer, as well as how professional associations around the world can offer support and assistance to one another.

51. There was not unanimity about whether the President's attendance at this conference should be approved as planned and budgeted. However, a majority of Council voted in favour of continuing with attendance, particularly given the topic and President Bay's call for greater cooperation and coordination to defend the rule of law.

NCA Assessment and Appeal Policy Amendments

52. Council approved amendments to the NCA Assessment and Appeals Policies in order to refine some of the requirements, processes, and timelines for appeals.

Other Updates

53. Council received reports from many of its committees, as well as CanLII and Lexum.
54. Some of the more significant updates are summarized below.

The IAC

55. As usual, the IAC has been busy.
56. It met virtually on April 16 to provide input on modernizing the Federation Reconciliation Portal, to improve its value as an information-sharing tool. The Portal is intended to be the national information-sharing hub for gathering and sharing up-to-date information about what law societies and law schools are doing in response to TRC recommendations.
57. On April 23, the IAC met to provide the Chair of the Canadian Common Law Program Approval Committee with guidance on how to approach the upcoming evaluation of law school program reports that contain information pertaining to truth and reconciliation and Indigenous Law content. It was decided that the IAC would attend and offer direct guidance at the Approval Committee's June 16th meeting.
58. The IAC planned to meet in-person on June 18th in Montreal, Quebec, in order to discuss the Federation's overall approach to fostering truth and reconciliation.
59. Both the National Committee on Accreditation Assessment Modernization Committee and the Standing Committee on the Model Code of Professional Conduct (the "**Model Code Committee**") have requested meetings with the IAC to seek guidance on their work. These meetings have yet to be scheduled.

Money Laundering Prevention

60. The Standing Committee on Anti-Money Laundering and Terrorist Financing has continued to focus its efforts on addressing the Financial Action Task Force (“FATF”) peer review process.
61. The committee published a technical compliance document in early May that sets out in detail how law society regulation aligns with the FATF’s recommendations. In this regard, the document addresses the matters considered in the first stage of the FATF review.
62. The committee is preparing a document that addresses effectiveness of law society regulation, which is the topic of consideration at the second stage of the FATF review.
63. The committee plans to engage in mock on-site interviews in late June 2025 to help prepare for the FATF on-site evaluations in November 2025.

Public Affairs and Government Relations

64. The Federation has been monitoring and expressing concerns, where warranted, in circumstances where provincial governments’ efforts to reduce internal trade barriers have included provisions that may be inconsistent with the national mobility agreement, or other law society regulation of practice by legal professionals licensed in other provinces.
65. The Federation also continues to engage with Immigration, Refugees and Citizenship Canada with respect to its efforts to regulate those providing immigration advice or representation, to the extent those regulations purport to regulate legal professionals already governed by the law societies.

Federation Conference

66. The annual Federation Conference will take place in Winnipeg, Manitoba, on October 16 and 17, 2025.
67. The topic of the conference will be, “threats to the independence of the legal profession and the rule of law: exploring the implications for law societies.”
68. The program is still being planned.

CanLII and Lexum Reports

69. CanLII and Lexum provided updates to the Council from Adam Dodek, Chair of the Board of CanLII, Francis Barragan, President and CEO of CanLII, and Ivan Moganov, President of Lexum.

70. Adam Dodek began by expressing caution about the fragility of the rule of law in Canada. Although Chair Dodek agreed with the observations about the current state of the rule of law in Canada made by prior guests, the US example shows just how quickly the rule of law can be undermined.
71. Chair Dodek advised against taking our legal institutions and their independence for granted, and noted that prior to the existence of CanLII, the government-controlled access to legal information. CanLII contributes to independence and the rule of law by ensuring public access to legal information.
72. President Barragan advised the Council that CanLII was looking to add more legal commentary content to its collection, as well as continuing to increase content relating to Indigenous law and legal orders.
73. President Barragan reported that the initial plan had been to release CanLII's generative AI search tool in 2026. However, CanLII's plan now was to release a "minimum viable product" earlier than that, and then increase capability of the tool over time.
74. As a result, the plan is to have a production demonstration tool prepared for July 2025, to provide early access for limited users in September, and then publicly release the product in December 2025, or January 2026.
75. CanLII has hired a communications consulting firm to assist with rolling out the generative AI search tool project when it is ready.
76. CanLII and Lexum had been asked to present to the Pan-African Lawyers' Union in support of their request that law societies in Africa support free access to law. In this regard, CanLII and Lexum continue to be a model to the rest of the world.
77. Representatives of CanLII and Lexum plan to attend the LSBC Benchers meeting on July 4, 2025, to discuss and be available for questions about their offerings and initiatives.

Next Meeting

78. The next meeting of the Federation Council will be held in Winnipeg, Manitoba on October 18, 2025.

Practice Fee Rebate Program – Pilot Implementation

To: Benchers

Purpose: Discussion (*for Decision in September*)

From: Executive Committee

Date: July 4, 2025

Purpose

1. At the April 11, 2025 Benchers meeting, on the recommendation of the Executive Committee, the Benchers approved in principle the establishment of a one-year pilot of a practice fee rebate program, the details of which would come back to Benchers for consideration at the July 2025 Benchers meeting. This report provides these details for Benchers consideration.

Background

2. The pilot considered by Benchers contemplated the deployment of a one-year pilot project for a practice fee rebate program administered in early-mid 2026 based on a total income eligibility criteria. During the pilot, data would be collected to inform the purpose, viability, and design of a future program, following which, recommendations would be made in regard to whether a permanent fee relief program should be established.
3. This pilot program would be built on the assumptions that at least some lawyers, albeit a small proportion of the profession, are experiencing financial hardship that may be caused by a variety of reasons, such that the practice fee presents an economic burden or barrier to staying in practice, and that total income is a reasonable indicator of an individual's financial status. Data collected during the pilot would assist in confirming or challenging these assumptions.

Proposed Details & Rationale

4. The details and rationale of the proposed pilot are set out below. The purpose of the pilot is to provide a starting point, and its structure is meant to inform rather than constrain the design of a potential permanent program in the future.

Funding

5. As set out in the materials presented at the April 11, 2025 Benchers meeting, this pilot will be funded from reserves. Depending on other demands on the reserves, up to \$1,000,000 could be set aside from reserves to fund the pilot.
6. Administratively, since potential uptake on the program is unknown, a cap on the amount to be allocated is necessary to understand the potential financial impact on the Law Society and to ensure that funding will be available. Up to \$1,000,000 is a sufficient amount to test the efficacy of the pilot while keeping other demands on reserves in mind.
7. It should be noted that, if the program were to be made permanent following the pilot, the permanent program would need to be funded by an increase in the practice fee. As an

example, assuming 15,000 licensees, \$1,000,000 in annual operating funding, and 1,000 licensees receiving a fee rebate of \$1,000 each, approximately \$72 would need to be added to the practice fee for the remaining 14,000 licensees.

Maximum Rebate

8. The reserves allocated to the program would be divided up among licensees who apply and are eligible, up to a maximum rebate per licensee. For example, if \$1,000,000 was allocated and 1000 licensees were eligible, the rebate would be \$1,000 per licensee. In that scenario, if more than 1000 licensees are eligible, the rebate would be less than \$1,000 per licensee.
9. As it is unknown how many lawyers will apply, there needs to be a maximum rebate. A maximum \$1,000 rebate is appropriate as it is not an insignificant amount of money, and would offset almost half of the practice fee.

Eligibility

10. Lawyers with practising status in British Columbia for any amount of time in 2025 who, in 2025, had a total income of less than \$65,000,¹ would be eligible to apply. Total income will be determined based on Line 15000 of the lawyer's 2025 Canadian personal tax return. Eligibility will not be dependent on who pays the lawyer's practice fee (i.e. the individual lawyer or the firm) as long as the other requirements are met.
11. Total income on the personal tax return is a clear, simple and consistent measure to determine income levels. It also takes into account income from other sources that should be considered when determining eligibility and need.
12. In determining eligibility, a number of matters were considered that were ultimately rejected such as:
 - a. **Whether an individual should be required to have been practising in British Columbia for a minimum amount of time in 2025 to qualify.** It was concluded that any threshold would end up arbitrarily excluding individuals experiencing financial hardship that the program is intended to reach;
 - b. **Whether a person should have to maintain practising status in 2026 to be eligible.** It was determined that this criterion would end up excluding individuals the program was meant to reach. For example, a person who experienced financial hardship in 2025 and switches to non-practising status in 2026 for any number of

¹ While there is limited information publicly available about lawyer incomes across the board, to determine the appropriate maximum eligible total income, staff conducted research into low, median and high wage ranges. A \$65,000 threshold would mean about 2175 (15% of 14,500 lawyers) would be eligible. If all eligible lawyers applied for the rebate with a \$1,000,000 maximum rebate fund, the per person rebate would be \$500.

reasons (including parental leave, health, or to provide care to an ailing family member) should still be able to receive the rebate; and

- c. **Whether the payor of the practice fee should impact eligibility.** Regardless of who pays the fee, a person who meets the financial eligibility criteria would still meet the overall purpose of the pilot, which is to address financial hardship. It also guards against some malfeasance that could reasonably flow from excluding those whose firm pays their fee - for example, firms who currently pay the fee may re-assign it to individual lawyers.

Application

13. Lawyers would be invited to make applications by a deadline in mid-2026, which will be reviewed through a one-time evaluation process. The application will ask the individual to provide the amount in Line 15000 of their 2025 tax return and ask them to declare the truthfulness and accuracy of their application. Further documentation or clarification may be required as needed.
14. A one-time application and evaluation process is a matter of operational viability as it would not be feasible to administer a rebate program on a rolling basis. A one-time application process does not unnecessarily constrain eligibility, given anyone eligible will have the ability to determine their total income for 2025 in early 2026. A strong communications strategy around the program and the application deadline will be essential.
15. While having lawyers provide copies of their tax returns would be a valuable tool in determining the veracity of a person's eligibility, there was concern that doing so would be a deterrent to individuals availing themselves of the program as there may be reticence to provide this information to the regulator for the pilot program. Additionally, the Law Society would also have to expend resources to securely manage and store the information. Accordingly, it is proposed that lawyers provide their total income figure and declare the truthfulness and accuracy of their application for the pilot program.

Form of Rebate

16. Those who qualify would be given the choice of receiving their rebate in the form of a cheque or as a credit towards their 2027 fees. If a lawyer chooses the latter, a credit will appear in their fee billing documentation delivered in fall 2026. This approach puts the lawyer in the driver seat in regard to what form of relief is most helpful in and responsive to their personal circumstances.

Decision

17. Accordingly, the Executive Committee presents the following resolution for Benchers consideration and discussion:

BE IT RESOLVED that the Benchers approve the establishment of a one-year pilot of a practice fee rebate program as described in this report.



***Legal Profession Act* Amendments: Section 15(1) Exemption Applications**

To: Benchers

Purpose: Discussion & Decision

From: Staff

Date: July 4, 2025

Issue

1. Despite the Law Society's previous requests to bring amendments to the *Legal Profession Act* into force that would allow for the licensing of paralegals, with the passage of and Royal Assent to the *Legal Professions Act*, some amendments to the current *Legal Profession Act* ("the current Act") came into force. Specifically, sections 311 and 312 amended the current Act to add Division 1.1 to permit a person to apply for an exemption from section 15(1) by submitting to the Executive Director an application in the form established by the Executive Director.
2. Section 15(1) is the subsection of the current Act providing the exceptions to the general provision that no person, other than a practising lawyer, is permitted to engage in the practice of law.
3. While we are disappointed that amendments to the current Act do not allow for immediately moving forward on formally licensing paralegals as previously requested, we believe the intention for the exemption process contemplated by these amendments was to provide an exit strategy for many of the participants in our Innovation Sandbox (the "Sandbox") and to regularize their status.

Background

4. The explanatory note to the amendments states that they allow the Law Society to exempt a person from the prohibition against the unauthorized practice of law if satisfied that the provision of legal services by the person will facilitate access to legal services without posing a significant risk to the public.
5. As noted above, while not stated, it appears that the intention was to provide a way for many of the current participants in our Sandbox to escape the uncertainty of the "no action" letters and regularize their status.
6. An application for the exemption under s. 18.2 must:
 - a) describe the legal services the applicant seeks to provide,
 - b) describe the education, training and credentials of the applicant as they relate to the legal services described under paragraph (a),
 - c) specify to whom the applicant expects to provide the legal services described under paragraph (a),
 - d) describe how the provision by the applicant of the legal services described under paragraph (a) would facilitate access to legal services in British Columbia,

- e) describe any risks to the public associated with the provision by the applicant of the legal services described under paragraph (a), and
 - f) include any additional information specified in the rules.
7. The above requirements are very similar to, and were likely developed based on, the requirements we established in considering applications for the admission to the Sandbox.
 8. In addition, the amendments to the current Act provide that the Benchers may make rules:
 - a) specifying additional information to be included in an application,
 - b) establishing a process for the review or reconsideration of a decision under section 18.3 (1) (b) or (c) or (4),
 - c) establishing a code of conduct for exempt persons,
 - d) establishing measures to ensure the competence of exempt persons,
 - e) respecting the annual fee to be paid by exempt persons,
 - f) respecting the professional liability indemnification to be maintained by exempt persons, and
 - g) establishing a register of exempt persons.

Discussion

9. Regulatory sandboxes are designed to relax or amend regulatory requirements in order to facilitate innovation but should have an exit strategy for moving from sandbox to the wider operating environment, which might include statutory powers to amend rules and legislation permanently.
10. The genesis of the Law Society's Sandbox was to take a "grass roots" approach to advance the licensed paralegal initiative. In this regard, it was expected that the exit strategy for moving from the Sandbox would be for the formal recognition of licensed paralegals within a licensed paralegal regime, by way of amendments to the current Act.
11. Although the Law Society did not ask for the inclusion of the amendments creating Division 1.1, we did, however, indicate that whatever the new Act looked like, we hoped that it would provide a way for those we had admitted to the Sandbox to regularize their status.
12. While the content of an exemption application is very similar to the requirements we established in considering applications for the admission to the Sandbox, the ability of the Benchers to make rules regarding a code of conduct, competence, professional liability

indemnity coverage and payment of an annual fee brings the statutory exemption much more in line with a regulatory regime than the current “no action” Sandbox model.

13. The exemption category does not create a new category of membership in the Law Society nor does it provide authority to the Law Society to issue limited licenses. It should be noted that the *Legal Professions Act* does not continue the Division 1.1 exemption status or process and, as a result, this particular exemption category will only be available under the current Act. In addition, it is likely that those currently in the Sandbox who might seek an exemption under Division 1.1 are those who would expect to become licensed as regulated paralegals under the new Act.
14. Having said that, in order to provide an interim exit strategy for individuals in the Sandbox who are engaging in the practice of law, consideration should be given to implementing the exemption process.
15. One rationale for moving forward with this approach is the uncertainty surrounding how long the pending litigation will take to resolve. In the meantime, it may be perceived as unfair or inequitable to keep Sandbox participants operating under “no action” letters when we now have legislative authority that could be used to legitimize their status.
16. The Sandbox would be maintained to continue to facilitate innovation in the delivery of legal services including existing and emerging technologies and law firm ownership and investments. Once the exemption process has been implemented, notice would be given to those individuals who have applied and been accepted into the Sandbox that they may wish to consider applying for the exemption provided through Division 1.1.
17. While sections 311 and 312 of the *Legal Professions Act* do not concern the new regulatory scheme and work within the existing Law Society governance paradigm, the relief sought in the pending litigation captures these sections.
18. As a result, recipients that are granted an exemption will be advised that their status is subject to a constitutional challenge that may revoke their status.
19. In the event that a court strikes the legislation in its entirety, those individuals or entities who have been granted status under ss. 311 – 312, could again return to the Sandbox and be reissued a no-action letter.
20. At that time, the Law Society could consider whether to renew its request to bring amendments to the *Legal Profession Act* into force that would allow for the licensing of paralegals.

A Regulatory Framework

21. The following regulatory framework is proposed for discussion and consideration by the Benchers.
22. The exemption category does not create a new category of membership in the Law Society, nor does it provide authority to the Law Society to issue limited licenses. As a result, issuing an exemption from s. 15(1) would continue to be done on a case-by-case basis that reflects the education, training, and experience of the individual, with appropriate and proportional licensing requirements.
23. Currently, approved participants in the Innovation Sandbox are issued a “no-action” letter. That letter sets out, in part, the following expectations/direction:
 - participants are expected to deliver the proposed services in a manner consistent with our expectation of lawyers under the *Legal Profession Act*, the LSBC Rules and the *LSBC Code of Professional Conduct* to the extent they are applicable;
 - participants must provide the following disclosure to each client prior to commencing any engagement and on any website, social media or other mediums used to promote their services.
 - *My/our services to you are not provided by a lawyer regulated by the Law Society of British Columbia. As a result: (a) I/we could be required to disclose to third parties your communications with me/us and any documents you provide in relation to my/our advice and assistance as such communications will not be subject to solicitor-client privilege; and (b) I/we am/are not required to have professional liability insurance. (c) There is no statutory complaint process in relation to the services that I/we provide and (d) the Law Society of British Columbia has not evaluated or verified my/our competence, character, and/or fitness to provide the services. ...*
 - participants must not assert, imply or otherwise suggest in any way that the no-action letter is an approval, endorsement or certification of the quality of their services or of their qualifications, competence or fitness to provide the Services.
 - participants who intend to represent clients before Administrative Tribunals or the Provincial Court, acknowledge that the no-action letter does not grant them an audience to appear and that they may require permission from the presiding judge or adjudicator to do so. The no-action letter must also be filed with the court in relation to proceedings before the Provincial Court.

24. In keeping with the principles of the Sandbox, the exempt persons category recognizes that there are needs that can be served by persons operating within a specific, individualized scope of practice that reflects the education, training, and experience of the individual.
25. When considering a regulatory framework in that context, proportionality between exemption requirements, services and risks should be adopted. With that in mind, for those persons who wish to obtain a statutory exemption, we recommend that consideration be given to adopting rules that include the following:
- a) the applicant is a person of good character and repute;
 - b) the applicant carries professional liability insurance proportionate to the activities of the exempt person in providing legal services;
 - c) the applicant delivers the proposed services in a manner consistent with the *Code of Professional Conduct for British Columbia* to the extent they are applicable;
 - d) payment of an initial application fee and an annual renewal fee;
 - e) the applicant is not permitted to deal with funds that would constitute trust funds, with limited exceptions;
 - f) complete a prescribed amount of continuing legal education relevant to their permitted activities.
26. These types of requirements are comparable to those for other current s.15(1) exceptions, such as practitioners of foreign law.
27. While the current Act permits the Benchers to establish measures to ensure the competence of exempt persons, given the current case-by-case risk-based approach, as well as the limited duration of the exemption category under the current Act, the recommendation is not to embark on creating specific education or training requirements or establishing specific competency measures. Instead, exempt persons would be required to complete a certain amount of continuing legal education relevant to their permitted activities.
28. Similarly, given timing, the recommendation is to not establish a code of conduct specifically for exempt persons. To the extent applicable, the exempt person would be bound by the *Code of Professional Conduct for BC*, as well as the Act and the Law Society Rules.
29. **Appendix A** sets out a proposed framework for discussion and consideration by the Benchers.

Next Steps

30. The Benchers are asked to discuss the merits of implementing the exemption process as well as the proposed draft regulatory framework.
31. If the Benchers approve moving forward with implementing the exemption process, steps will be taken to consult with applicable stakeholders, including the Courts, and draft rules will be prepared and brought back to the Benchers for further consideration.

Proposed Resolution

32. The Benchers are asked to approve the following resolution:

BE IT RESOLVED that steps be taken to implement the exemption process outlined in Appendix A and that rules be drafted to bring these provisions into effect, to be brought back to Benchers at a later date for approval.

Appendix A

Through an application form, individuals may apply for an exemption from s. 15 (1) to engage in the practice of law, within a defined scope of services.

Application Process

Applications will be considered on a case-by-case basis according to a risk-based framework that considers:

- a) the applicant's good character and repute,
- b) the legal services the applicant seeks to provide,
- c) the education, training and credentials of the applicant as they relate to the legal services described under paragraph (a),
- d) who the applicant expects to provide the legal services described under paragraph (a),
- e) how the provision by the applicant of the legal services described under paragraph (a) would facilitate access to legal services in British Columbia,
- f) any risks to the public associated with the provision by the applicant of the legal services described under paragraph (a).

Approval of Exemption Application

If the Executive Director is satisfied that the application criteria has been met, an exemption from s. 15(1) will be issued and will be valid for a period of one year, on the following conditions:

- a) the applicant provides proof that they carry professional liability insurance proportionate to the approved legal services prior to engaging in the permitted activities;
- b) the applicant must deliver the proposed services in a manner consistent with the *Code of Professional Conduct for British Columbia* to the extent they are applicable;
- c) the applicant completes at least (6) hours of continuing legal education relevant to their permitted activities;
- d) the applicant is not permitted to deal with funds that would constitute trust funds, with the exception of money received on deposit for fees to be earned in the future, unless the trust funds received are handled by a practising lawyer in accordance with the Act and the rules.
- e) any other limits or conditions deemed necessary to protect the public interest.

Renewal of Exemption Approval

An applicant may apply for an annual renewal of their exemption approval before its expiry by delivering to the Executive Director:

- a) a completed exemption renewal application form that updates the information contained in the initial application form;
- b) evidence that the applicant has complied with the requirement to complete at least (6) hours of continuing legal education relevant to their permitted activities;
- c) evidence that the applicant continues to carry professional liability insurance proportionate to the approved legal services prior to engaging in the permitted activities

Fees

The fee for the original application for an exemption will be set at \$700.00. The fee for the renewal of the exemption approval will be set at \$200.00. These proposed fees are in line with those charged to an applicant for a permit to practice foreign law in BC.

Denial or Revocation of Exemption Approval

If the Executive Director is not satisfied that the application criteria has been met, the exemption application will be denied, with written reasons.

On reasonable notice, and with written reasons, the Executive Director may revoke an exemption approval in the following circumstances:

- a) an applicant fails to comply with the rules or with any conditions or limitations imposed;
- b) there is a significant risk to the public or to the clients by the continued provision of legal services by the exempt person.

An applicant can seek a review of the Executive Director's decision to deny, or revoke, an exemption approval by the Credentials Committee.

Quarterly Financial Report: May 2025

To: Finance & Audit Committee - July 2, 2025

Bencher Meeting - July 4, 2025

Purpose: Update

From: Staff

Date: July 2, 2025

Quarterly Financial Report - End of May

Attached are the financial results and highlights to the end of May 2025.

General Fund (excluding capital and TAF)

For the first five months of the year, the General Fund operations resulted in a positive variance to budget, with revenues under budget and operating expenses below budget, due to a combination of permanent and timing differences.

Revenue

Total revenue year to date was \$14.6 million, \$119,000 (1%) lower than budget.

Practice fees were under budget by \$268,000, with 14,934 practicing lawyers projected to year end, compared to a budget of 15,250. The growth in the number of practicing lawyers year over year has slowed, leading to a lower base for 2025.

PLTC fees were over budget by \$72,000 with 681 students projected for the year, compared to 650 budgeted.

Interest income was under budget by \$20,000 due to lower interest rates, which are expected to continue to year end.

Operating Expenses

Operating expenses for the period were \$14.3 million, \$1.4 million (9%) below budget, due to a combination of permanent and timing differences.

Permanent savings are projected for compensation (\$500,000) and tribunal hearings costs (\$105,000), offset by overages in external counsel fees and litigation (\$550,000).

There are timing differences in a number of areas, and we expect these costs to be incurred before year end. This includes compensation savings (\$325,000), external counsel fees and litigation savings (\$471,000), software maintenance costs (\$81,000), along with a number of smaller areas that have savings to date.

Reserve Funded Items

Costs related to the transition to the Single Legal Regulator were \$301,000 to the end of Q2, which are unbudgeted and funded from reserves.

TAF and Trust Assurance Expenses

TAF revenue was \$1,185,000 to date, slightly below budget.

Trust assurance program costs were under budget \$119,000 due to staff vacancies.

Lawyers Indemnity Fund

LIF assessment revenues were \$7.5 million, \$235,000 (3%) below budget with a lower number of indemnified lawyers.

LIF operating expenses were \$4.8 million, \$130,000 (3%) below budget, with savings in legal, insurance, office and compensation.

At the end of May, the market value of the LIF long term investment portfolio was \$283.8 million, and portfolio returns for the period were 1.56%, below the benchmark of 2.69%. All asset classes were positive to benchmark except international equities.

Summary of Financial Highlights

(\$000's)

2025 General Fund Results - YTD May 2025 (Excluding Capital Allocation & Depreciation)				
	Actual	Budget	\$ Var	% Var
Revenue (excluding capital)				
Practice Fees	11,351	11,619	(268)	-2%
PLTC and Enrolment Fees	673	601	72	12%
Electronic Filing Revenue	455	424	31	7%
Interest Income	593	613	(20)	-3%
Registration and Licensing Revenue	347	347	-	0%
Fines, Penalties & Recoveries	255	244	11	5%
Program Cost Recoveries	97	58	39	67%
Insurance Recoveries	52	11	41	0%
Other Revenue	195	224	(29)	-13%
Other Cost Recoveries	1	2	(1)	-50%
Building Revenue & Tenant Cost Recoveries	543	538	5	1%
	<u>14,562</u>	<u>14,681</u>	<u>(119)</u>	<u>-1%</u>
Expenses (excluding depreciation)	<u>14,330</u>	<u>15,748</u>	<u>(1,418)</u>	<u>-9%</u>
Surplus (Deficit) before reserve items	232	(1,067)	1,299	
Projects Funded from Reserves				
Single Legal Regulator transition costs	301	-	301	
Net Surplus (Deficit) before TAF/TAP	<u>(69)</u>	<u>(1,067)</u>	<u>998</u>	

Summary of Variances - YTD May 2025

Revenue Variances:

Permanent Variances

Practice Fees - 15,250B vs 14,682LY vs 14,934 F - 316 lawyers below budget	(268)
PLTC - 682 students projected; 646 budgeted	72
Interest - lower interest rates projected for the year	(20)
APP administrative penalties	6

Timing Variances

Discipline & Citation fines, increased trust reporting \$66K offset by CPD penalties \$55K	11
Electronic Filing revenue - New verification licensing agreement (\$100K) offset by lower E-filing revenue	31
Program Cost recoveries - timing of recoveries	39
DAC conference fees	38
Other	(28)
	<u>(119)</u>

Expense Variances:

Permanent Variance

External counsel fees and litigation	(547)
Property tax appeals	(18)
PLTC program costs	(9)
Practice review files	20
Finance costs	30
Forensic files	50
Tribunal hearing costs	105
Compensation and benefits - estimated additional permanent vacancy savings	500

Timing variance

Compensation and benefits - timing related	325
External counsel and litigation files	471
Software maintenance costs	81
Alternate process program; Call ceremonies; Communications	57
DAC conference - timing of costs	52
Practice review files	51
Custodianships costs	44
Lawyer Development costs	42
PLTC program costs	41
Travel and meetings costs	83
General office costs	31
Miscellaneous	9
	<u>1,418</u>

Sub-total before reserve funded items

1,299

Projects Funded from Reserves

SLR transition costs	301
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Net Surplus (Deficit) before TAF/TAP

998

Trust Assurance Program - YTD May 2025

	Actual	Budget	Variance	% Var
TAF Revenue	1,185	1,231	(46)	-4%
TAP Expenses	1,547	1,666	119	7%
Net Trust Assurance Program	<u>(362)</u>	<u>(435)</u>	<u>73</u>	

Lawyers Indemnity Fund Long Term Investments - YTD May 2025

Performance - Before investment fees	1.56%
Benchmark Performance	2.69%

The Law Society of British Columbia
General Fund
Results for the 5 Months ended May 31, 2025
(\$000's)

	2025 Actual	2025 Budget	\$ Variance	%
REVENUE				
Practice fees (1)	12,284	12,420	(136)	-1%
PLTC & enrolment fees	673	601	72	12%
Electronic filing revenue	455	424	31	7%
Interest income	593	613	(20)	-3%
Registration & Licensing services	347	347	-	0%
Fines, penalties & recoveries	254	244	10	4%
Program Cost Recoveries	97	58	39	67%
Insurance Recoveries	52	11	41	373%
Other revenue	196	224	(28)	-13%
Other Cost Recoveries	-	2	(2)	0%
Building Revenue & Recoveries	543	538	5	1%
Total Revenues	15,495	15,482	13	0.1%
EXPENSES				
Governance and Events				
Governance	364	401	37	9%
Board Relations & Events	129	118	(11)	-9%
	493	519	26	5%
Corporate Services				
General Office	329	347	18	5%
CEO Department	442	514	72	14%
Finance	585	596	11	2%
Human Resources	342	362	20	6%
Records Management	129	149	20	13%
	1,827	1,968	141	7%
Education and Practice				
Licensing & Admissions	800	1,047	247	24%
PLTC and Education	1,457	1,669	212	13%
Practice Standards	308	346	38	11%
	2,565	3,053	488	16%
Communications and Information Services				
Communications	269	285	16	6%
Information Services	1,337	1,472	135	9%
	1,606	1,757	151	9%
Policy and Legal Services				
Policy & Legal Services	487	622	135	22%
Tribunal and Legislative Counsel	373	517	144	28%
Unauthorized Practice	123	122	(1)	-1%
	983	1,261	278	22%
Regulation				
CLO Department	425	447	22	5%
Intake & Early Assessment	1,175	1,174	(1)	0%
Discipline	794	1,002	208	21%
Forensic Accounting	219	295	76	26%
Investigations, Monitoring & Enforcement	1,602	1,806	204	11%
Custodianships	786	891	105	12%
External Counsel Fees & Litigation	998	757	(241)	-32%
	5,999	6,372	373	6%
Building Occupancy Costs	852	828	(24)	-3%
Depreciation	506	564	58	10%
Projects Funded From Reserves				
Legal Profession Transition Costs	301	-	(301)	0%
Total Expenses	15,132	16,322	1,190	7.3%
General Fund Results before Trust Assurance Program	363	(840)	1,203	
Trust Assurance Program (TAP)				
TAF revenues	1,185	1,231	(46)	-3.7%
TAP expenses	1,572	1,666	94	5.6%
TAP Results	(387)	(435)	48	11.0%
General Fund Results including Trust Assurance Program	(24)	(1,275)	1,251	

(1) Membership fees include capital allocation of 933k (Capital allocation budget = 800k)

	2025 Actual	2025 Budget	\$ Variance	%
(1) Capital Allocation:				0
Membership fees include capital allocation:	933	800	133	17%

The Law Society of British Columbia
General Fund - Balance Sheet
As at May 31, 2025
(\$000's)

	May 31 2025	May 31 2024
Assets		
Current assets		
Cash and cash equivalents	25,534	27,928
Unclaimed trust funds	2,374	2,097
Accounts receivable and prepaid expenses	3,177	2,120
Due from Lawyers Indemnity Fund	19,562	17,084
	<u>50,647</u>	<u>49,229</u>
Property, plant and equipment		
Cambie Street property	9,937	10,544
Other - net	2,793	2,483
	<u>12,730</u>	<u>13,028</u>
	<u>63,377</u>	<u>62,256</u>
Liabilities		
Current liabilities		
Accounts payable and accrued liabilities	3,098	2,910
Liability for unclaimed trust funds	2,374	2,097
Deferred revenue	18,160	16,755
Deposits	88	88
	<u>23,720</u>	<u>21,851</u>
Net assets		
Capital Allocation	4,929	4,379
Unrestricted Net Assets	34,728	36,027
	<u>39,657</u>	<u>40,406</u>
	<u>63,377</u>	<u>62,256</u>

The Law Society of British Columbia
General Fund - Statement of Changes in Net Assets
Results for the 5 Months ended May 31, 2025
(\$000's)

	<i>Invested in Capital</i> \$	<i>Working Capital</i> \$	<i>Unrestricted Net Assets</i> \$	<i>Trust Assurance</i> \$	<i>Capital Allocation</i> \$	<i>2025 Total</i> \$	<i>Year ended 2024 Total</i> \$
Net assets - At Beginning of Year	12,991	20,416	33,407	1,896	4,379	39,681	38,862
Net (deficiency) excess of revenue over expense for the period	(643)	73	(570)	(387)	933	(24)	819
Contribution to LIF	-	-	-	-	-	-	-
Purchase of capital assets:							
LSBC Operations	361	-	361	-	(361)	-	-
845 Cambie	21	-	21	-	(21)	-	-
Net assets - At End of Period	12,730	20,489	33,219	1,509	4,930	39,657	39,681

Lawyers Indemnity Fund
Results for the 5 Months ended May 31, 2025
(\$000's)

	2025 Actual	2025 Budget	\$ Variance	% Variance
Revenue				
Annual assessment	7,550	7,785	(235)	-3%
Investment income	6,026	6,173	(147)	-2%
Other income	15	28	(13)	-46%
Total Revenues	13,591	13,986	(395)	-2.8%
Expenses				
Provision for settlement of claims	6,479	6,479	-	0%
Salaries and benefits	1,550	1,679	129	8%
Contribution to program and administrative costs of General Fund	711	727	16	2%
Insurance	688	914	226	25%
Office	295	429	134	31%
Actuaries, consultants and investment brokers' fees	991	576	(415)	-72%
	10,744	10,825	81	1%
Loss Prevention Expense				
Contribution to co-sponsored program costs of General Fund	541	592	51	9%
Total Expenses	11,285	11,417	132	1.2%
Lawyers Indemnity Fund Results	2,306	2,569	(263)	

The Law Society of British Columbia
Lawyers Indemnity Fund - Balance Sheet
As at May 31, 2025
(\$000's)

	May 31 2025	May 31 2024
Assets		
Cash and cash equivalents	1,193	900
Accounts receivable and prepaid expenses	2,315	2,036
Investments	283,650	266,115
	<u>287,158</u>	<u>269,051</u>
Liabilities		
Accounts payable and accrued liabilities	338	483
Deferred revenue	10,858	10,338
Due to General Fund	19,562	17,084
Provision for claims	85,508	72,200
Provision for ULAE	15,281	12,742
	<u>131,547</u>	<u>112,846</u>
Net assets		
Internally restricted net assets	17,500	17,500
Unrestricted net assets	138,111	138,704
	<u>155,611</u>	<u>156,204</u>
	<u>287,158</u>	<u>269,051</u>

The Law Society of British Columbia
Lawyers Indemnity Fund - Statement of Changes in Net Assets
Results for the 5 Months ended May 31, 2025

	Unrestricted \$	Internally Restricted \$	2025 Total \$	2024 Total \$
Net assets - At Beginning of Year	135,805	17,500	153,305	148,902
Net excess of revenue over expense for the period	2,306	-	2,306	4,403
Net assets - At End of Period	<u>138,111</u>	<u>17,500</u>	<u>155,611</u>	<u>153,305</u>

2025 General Fund Forecast: May 2025

To: Finance & Audit Committee Meeting (July 2, 2025)

Bencher Meeting (July 4, 2025)

Purpose: Update

From: Staff

Date: July 2, 2025

Forecast - as at May 2025

Attached is the General Fund forecast to the end of the fiscal year.

Overview

At this time, 2025 operational financial results are projected to finish with a deficit of \$4.610 million, compared to a deficit of \$1.568 million.

Revenue Forecast

Total revenue is projected at \$34.8 million, \$800,000 (2%) under budget, with lower practice fee revenue, electronic filing revenue, interest income, offset by slightly higher PLTC revenues.

Practice Fees: Practice fees are projected at \$27.3 million, \$562,000 (2%) below budget. There are 14,934 practicing lawyers forecasted, 316 below the budget of 15,250, a 2.2% increase over 2024, which is much lower than recent years.

PLTC Revenue: PLTC revenue is projected at \$2.0 million, \$94,000 (5%) above budget. The number of PLTC students is projected at 682, 36 students higher than budget, but as there are costs associated with additional students, there is little impact to the bottom line.

Electronic Filing Revenue: Electronic filing revenue is projected at \$961,000, \$56,000 below budget. The BCREA real estate unit sales forecast used for the 2025 budget predicted a 9.8% increase over 2024 levels, however, current BCREA information is forecasting a decrease of 1.1% over 2024. There is a new verification agreement which has contributed additional revenue this year, partially offsetting this decrease in real estate sales.

Interest Revenue: Interest revenue is projected at \$1.15 million, \$319,000 below budget, with interest rates projected at 3% for the year, compared to the forecast used to set the budget of 4%.

Building Revenue: Parking revenues are projected to be over budget \$12,000.

Operating Expenses Forecast

At this time, operating expenses are projected at \$39.371 million, \$2.243 million (6%) over budget.

This is due to the following:

The current forecast for the SLR transition costs for the year related to the new *Legal Professions Act* is \$1.244 million, which is unbudgeted and funded from reserves. These costs include transitional board and Indigenous council meeting costs and Indigenous council staff, project management consulting, and Law Society staff resources seconded to the transition work associated with the new *Act*.

There is additional funding of \$192,000 required from Law Society net assets reserves to top up the committed fixed funding for external organizations as the number of practicing lawyers is lower than budgeted, so lower practice fee revenues have been received, and so reserves must be used.

CanLII is developing a new generative AI tool that will be funded by all law societies across Canada. The Law Society of BC contribution to this initiative will be \$115,000 in 2025, based on a pro-rata share of practicing lawyers in BC. Further contributions will be made in 2026 in the amount of \$345,000, which will also be funded from Law Society net assets reserves.

Additional external counsel fees and litigation costs are projected \$1.434 million over budget due to additional activity.

Offsetting this, there are cost savings projected in compensation (\$500,000) with additional vacancy savings, external counsel fees (\$165,000) in credentials, professional conduct and forensic accounting, and tribunal hearing costs (\$105,000) with fewer hearings.

Net Assets Reserves Balance

Taking into account the projected deficit of \$4.610 million in 2025, the balance of the General Fund net assets reserve is projected at \$15.806 million, approximately 5 months of operating expenses.

Trust Assurance Program

For 2025, Trust Administration Fees (TAF) are forecast at \$4 million, \$901,000 below budget. The 2025 TAF budget was set according to the BC Real Estate Association forecast for real estate unit sales of 9.8% over 2024 unit sales however the most current BCREA forecast is now negative 1.1% over 2024 levels.

The Trust Assurance operating costs budget is \$4.1 million, and are projected to be close to budget.

The Law Society of British Columbia
General Fund
For the 12 Months ending December 31, 2025
(\$000's)

	Forecast	Budget	Forecast vs Budget Variance	
Practice fees	27,324	27,886	(562)	-2%
PLTC and enrolment fees	2,001	1,907	94	5%
Electronic filing revenue	961	1,017	(56)	-5%
Interest income	1,154	1,473	(319)	-22%
Registration and Licensing	832	832	-	0%
Fines, penalties & recoveries	592	586	6	1%
Program Cost Recoveries	170	170	-	0%
Other revenue	479	454	25	6%
Building Revenue & Recoveries	1,247	1,235	12	1%
Total Revenues	34,760	35,560	(800)	-2%
EXPENSES				
Benchers Governance and Events				
Governance	618	618	-	0%
Board Relations & Events	298	298	-	0%
	916	916	-	0%
Corporate Services				
General Office	851	845	(6)	-1%
CEO Department	1,293	1,293	-	0%
Finance	1,440	1,471	31	2%
Human Resources	920	902	(18)	-2%
Records Management	363	363	-	0%
	4,866	4,874	8	0%
Education and Practice				
Licensing & Admissions	2,368	2,549	181	7%
PLTC & Education	4,062	4,062	1	0%
Practice Standards	783	843	61	7%
	7,212	7,454	242	3%
Communications and Information Services				
Communications	671	671	-	0%
Information Services	2,608	2,608	-	0%
	3,279	3,279	-	0%
Policy and Legal Services				
Policy & Legal Services	1,506	1,526	21	1%
Tribunal and Legislative Counsel	1,153	1,253	100	8%
Unauthorized Practice	298	298	-	0%
	2,957	3,077	121	4%
Regulation				
CLO Department	1,151	1,151	-	0%
Intake & Early Assessment	2,860	2,863	4	0%
Discipline	2,309	2,360	51	2%
Forensic Accounting	388	724	336	46%
Investigations, Monitoring & Enforcement	4,376	4,410	34	1%
Custodianships	2,174	2,167	(7)	0%
External Counsel Fees & Litigation	3,251	1,817	(1,434)	-79%
	16,509	15,492	(1,017)	-7%
Building Occupancy Costs				
	2,082	2,036	(46)	-2%
Projects Funded From Reserves				
Legal Profession Transition Costs	1,244	-	(1,244)	0%
External Organization Funding	307	-	(307)	0%
	1,551	-	(1,551)	
Total Operating Expenses	39,371	37,128	(2,243)	-6%
General Fund Results	(4,610)	(1,568)	(3,042)	
Trust Assurance Program (TAP)				
TAF revenues	4,023	4,924	(901)	-18%
TAP expenses	4,050	4,047	(3)	0%
TAP Results	(27)	877	(904)	
General Fund Results including TAP	(4,638)	(692)	(3,946)	

(1) Membership fees include capital allocation of \$933K (Capital allocation budget = \$800K)

Equity Advisor Program Report

To: Benchers

Purpose: For Information

From: Staff

Date: July 4, 2025

Introduction

1. The purpose of this report is to provide a review of the work undertaken as part of the Law Society of British Columbia (“**Law Society**”) Equity Advisor Program (the “**Program**”) from June 12, 2023 to June 12, 2025 (the “**Term**”).¹
2. This report provides anonymized data about the volume and nature of contact received by the Program, and describes other work undertaken by the Program during the Term.

Background

3. The purpose of the Program is to provide confidential advice on issues of discrimination and harassment to lawyers, articulated students, law students, and support staff of legal employers.²
4. In the summer of 2023, the program was transitioned from Claire Marchant, Director, Policy and Practice, to Sarah E. Sharp (she/they), Practice Advisor. In July 2023, the Benchers approved renaming the program from Equity Ombudsperson to Equity Advisor.³

Term in Review

Program Initiatives

5. From June 12, 2023 to June 12, 2025, a number of efforts and initiatives were undertaken (including attending events) to promote awareness of the Program including:
 - a) Working with the Law Society Communications Department to:
 - i. produce a short video about the program, available on the [Equity Advisor](#) webpage (June-July, 2023);
 - ii. produce and release a podcast episode ([Addressing harassment discrimination and bullying in the legal profession](#)) (May 2, 2024);
 - iii. update the [Equity Advisor](#) webpage on the Law Society website (June 2025);

¹ While the Term of this report is a 24-month period, ideally, future reports will be provided on an annual, calendar year basis.

² More information about the program can be reviewed at [Equity Advisor](#).

³ See Minutes of Benchers meeting, July 14, 2023 ([2023-07-14_agenda.pdf](#))

- b) Attending Law Society Equity Network (LSEN) meetings, as Chair (2024) and Co-Chair (2025), with representatives from other law societies across Canada (ongoing);
 - c) Attending Law Society Equity, Diversity, and Inclusion Advisory Committee (EDIAC) meetings (ongoing);
 - d) Attending Law Society Bullying, Harassment and Discrimination Task Force meetings (ongoing);
 - e) Attending Law Equity & Diversity Roundtable (LEADR) meetings (ongoing);
 - f) Updating the Practice Resource “Guidance for Lawyers on Using Inclusive Language” (annual review);
 - g) Presenting to students and professors at UBC Allard Law with Cheryl D’Sa, KC and Claire Marchant, Director, Policy and Practice re: “Law Society of BC Initiatives and Supports to Advance Equity, Diversity, and Inclusion in the Legal Profession” (February 28, 2025);
 - h) Presenting to Ministry of the Attorney General, Ontario Public Service – Crown Law Office (Criminal) Annual Fall Conference with Claire Marchant, Director, Policy and Practice re: “Guidance for Lawyers on Using Inclusive Language” (November 12, 2024);
 - i) Attending and providing confidential support at the Law Society Benchers Retreat focused on discrimination, harassment and bullying in the legal profession (June 1-2, 2024).
6. The Equity Advisor also received numerous invitations to events in the legal community which was very gracious of the event organizers. The Equity Advisor attended events when available and looks forward to attending more in the future.
 7. The Equity Advisor has completed a range of relevant training for the role, and continues to do so (see **Appendix A** for details).

Term in Review – Statistics⁴

8. Information about contacts with the Program during the Term can be found below.

a) The following table sets contacts to the Equity Advisor by month:

June/July 2023	August 2023	September 2023	October 2023	November 2023	December 2023
10	6	6	9	3	4
January 2024	February 2024	March 2024	April 2024	May 2024	June 2024
11	7	8	3	3	3
July 2024	August 2024	September 2024	October 2024	November 2024	December 2024
6	3	3	6	2	3
January 2025	February 2025	March 2025	April 2025	May 2025	June 2025
9	10	7	9	8	6

- b) Based on the above-noted 145 contacts over the 24-month period of the Term, there has been an average of 6 contacts per month. That said, so far in 2025, there have been 49 contacts, for an average of 8 contacts per month, indicating an increasing trend in the volume of contacts.
- c) Of the above-noted 145 contacts in the Term, 102 (70.3%) made initial contact by email; 40 (27.6%) made initial contact by phone, and 3 (2.1%) queries came in via other means (e.g., by way of Practice Advice, including appointment requests through the Advice Decision-Making Assistant).
- d) Some individuals contacted the Program once, others multiple times on the same or similar issues.
- e) Of the above-noted 145 contacts in the Term, 95 (65.5%) matters were within the mandate of the Program.

⁴ As a Practice Advisor, the Equity Advisor also gives confidential advice on issues of ethics and practice management. These contacts may involve questions about personal coping and stress, workplace issues, managing relationships with other lawyers and staff, and leaving a difficult work environment. These equity-related questions can arise on their own or in conjunction with a more traditional practice advice issue. Acting as both Equity Advisor and a Practice Advisor there can be overlapping contact content and the Equity Advisor took a number of calls and emails as a Practice Advisor that dealt with issues within the mandate of the Program; where the issues raised were clearly an Equity matter, the contacts were recorded as such.

f) Of the 95 matters that were within the mandate of Program, during the Term:

- i. The Equity Advisor was contacted by lawyers, articling students, law students, and support staff of legal employers in the following numbers:

Lawyers	Articled Students	Law Students	Staff
61 (64.2%)	23 (24.2%)	5 (5.3%)	6 (6.3%)

- ii. Individuals who contacted the Equity Advisor raised issues in the following numbers (noting that a contact may have covered multiple subjects):

Issue / Nature of Concern	Sub-Category	Number of Times Raised
Discrimination ⁵		
	Family Status	8
	Race	8
	Sex	6
	Physical/Mental Disability	5
	Indigenous Identity	3
	Political Belief	3
Harassment		
	Bullying in work environment	21
	Bullying outside work environment ⁶	4
	Sexual harassment	11
Mistreatment ⁷		5
Reprisal / Retaliation ⁸		6
Well-being ⁹		25

⁵ The program tracks discrimination sub-categories based on those in [section 13 of the BC Human Rights Code](#).

⁶ “Bullying” is used to track queries where the harassing conduct is occurring outside of the employment relationship (e.g., by a former employer, opposing counsel, etcetera).

⁷ “Mistreatment” is used to track queries where the contact has not specifically discussed concerns regarding bullying or a ground of discrimination.

⁸ Generally, concerns regarding “Reprisal/Retaliation” may also be recorded as harassment in a work environment however sometimes such issues arise after the end of the employment relationship and, therefore, the category provides additional information.

⁹ “Well-being” is often, but not always, an additional category when the contact has been provided with support regarding their wellness, as well as information regarding supports available to them (e.g., Lawyer Well-being Hub).

9. The Program was also contacted, in small numbers, regarding the following sub-categories of discrimination:

- Age
- Ancestry
- Gender Identity or Expression
- Marital Status
- Place of Origin
- Religion
- Sexual Orientation

10. Contacts have identified other discriminatory conduct in the work environment including:

- Refusing to hire
- Denying a promotion
- Denying benefits
- Ending employment

11. The Program also receives requests for general information (including inquiries with respect to demographic data, systemic issues, and policy guidance), as well as suggestions or recommendations regarding education, mentorship and training. When questions are received regarding Law Society processes, the Equity Advisor connects the contact with the department best suited to address their concerns.

12. Although the mandate of the Program includes mediating disputes if all parties consent, the Equity Advisor did not perform any mediations during the Term.

13. In addition to inquiries directly to the Program, the practice advisors received 92 inquiries related to wellness and 17 related to equity issues during the Term.

Term in Review – Overall Observations

14. The Program continues to provide valuable assistance to lawyers, articulated students, law students, and staff of legal employers, and is well-situated in the Practice Advice department.

15. The data leads to the following observations:

- a) Sexual harassment continues to generate a high volume of contacts.
- b) Bullying, both within and outside of the work environment, continues to be a significant concern in the profession.

- c) The Equity Advisor and Practice Advice are getting an increasing number of calls regarding lawyer well-being.
16. That data also indicates a significant preference for initiating contact by email. Perhaps future work of the Program might consider developing an online booking feature such as that which is offered through the Practice Advice program with the Advice Decision-Making Assistant, or some other way for contacts to record key information in advance of a call.
 17. By providing resources and support in response to these issues within the profession, the Program provides an important piece of the Law Society's public protection mandate.
 18. While, overall, the volume of inquiries remains relatively consistent (with a trajectory for the highest numbers, yet, in 2025), the Program has seen a marked increase in the proportion of contacts that fall within the mandate. This shift is anticipated as being attributable or related to the changing the title from "Equity Ombudsperson" to "Equity Advisor" which provides greater clarity around the Program's mandate.
 19. While the majority of contacts are within the mandate, there continues to be a significant number of contacts from members of the public. As has been reported on previous occasions, despite these contacts being outside of the Program's mandate, attending to these individuals can take a significant amount of time, particularly when they are frustrated or upset.
 20. Recent updates to the website reflect an effort to address this issue by including specific guidance for the public, as well as increasing awareness about the Program and providing ease of access to key resources. That said, it is likely there will always be a segment of contacts that are outside the mandate of the Program as this is likely an inevitable part of its public-facing nature.

Looking Forward

21. Lawyers continue to seek support on issues of equity and well-being. Awareness of the Program continues to grow and it is anticipated that ongoing efforts to promote the Program will encourage more contacts from those whose issues fall within the mandate.
22. The Equity Advisor is honoured to be entrusted with this position and is heartened by the important role both the Program and the practice advisors play in supporting the profession in fulfilling their duties in the practice of law.

Appendix A

The Equity Advisor has completed a range of relevant training for the role, and continues to do so:

- Anti-Racism & Inclusive Leadership (Lifeworks, 2021)
- Mental Health First Aid (CMHA, 2021)
- Managing Hostile Interactions (LSBC, 2021)
- Competence and Wellbeing in the Legal Profession: Live Online Conference (Wellbeing Work Alliance, 2021)
- Trans Competency training (2022)
- Gender ID and Expression (KnowBe4, 2022)
- Microaggressions (KnowBe4, 2022)
- Anxiety (CLEBC, 2022)
- Ethical Decision Making (LAP, 2022)
- Introverts & Extroverts Returning to Work (CLEBC/LAP, 2022)
- Lawyer Wellbeing (LAP, 2022)
- Boundaries for Lawyers (LAP, 2022)
- Overcoming Negative Self-Talk (CLEBC, 2022)
- Parenting as a Lawyer (CLEBC, 2022)
- Resisting Burnout at Work (CLEBC, 2022)
- Conflict Resolution Conference 2022: Reimagining Space(s) (CLEBC, 2022)
- Neurodiversity in Law (CBA, EDI series, 2023)
- Including Lawyers with Disabilities (CBABC, EDI series, 2023)
- Unconscious Bias in the Workplace (CBABC, EDI series, 2023)
- Pathways to Lawyer Well-being: Inclusive Environments Matter (CBABC, EDI series, 2023)

- Indigenous Intercultural Course (LSBC, 2023)
- Anti-Racism Strategies for the Workplace (UBC, 2023)
- Understanding Intersectionality and Identity (UBC, 2023)
- How to get the most out of your mentorship as a mentor or mentee (CLEBC, 2024)
- StandUP to Sexual Harassment in the Legal Profession (CLEBC, 2024)
- Suicide Awareness: Finding Hope in the Midst of Struggle (2024)
- Suicide: Understanding, Prevention, and Intervention (2024)
- Unlocking your Potential by Understanding Imposter Syndrome (2024)
- CABL Conference (2024)
- Living with ADHD: Interactive Workshop Series (LAPBC, 2024)
- Fighting the Predatory Relationship: What's in Your Toolbox? (CBA, 2025)
- Neurodiversity (2025)
- Engaging Conflict in the Moment (CLEBC, 2025)
- Mental Health Forum for Legal Professionals (CLEBC & LSBC, 2025)
- Part II: How the Legal Profession Supports Lawyers Living with Disabilities (CBA, 2025)
- Accessibility Interviewing Training (Left Turn, Right Turn, 2025)
- Trans Module 101 – Understanding Gender Diversity and Inclusion (CBA, 2025)
- SafeTALK (Mental Health Crisis Centre, 2025 – *forthcoming*)

Bencher Eligibility for Re-election and Reappointment

To: Benchers

Purpose: For Information

From: Staff

Date: July 4, 2025

Purpose

1. This memo outlines which Benchers are entitled to seek re-election in the upcoming General Election this fall or reappointment at the end of this year.

Background

2. Rule [1-2 \(1\)](#) sets term limits for both elected and appointed Benchers, disqualifying incumbent Benchers from seeking re-election or further appointment after a specified period¹.
3. Under [subrule \(a\)](#), Benchers who will have served more than seven years by the end of their current term are ineligible for re-election or reappointment. In addition, [subrule \(b\)](#) states that a Bencher elected as Second Vice-President-elect is also ineligible.
4. In accordance with Rule 1-5(3), each year, the members must elect a Bencher who is a member of the Society as the Second Vice-President-elect. The Bencher elected by the members holds office as a Bencher until they complete their term as President. An election to determine the Benchers' Nominee for Second Vice-President-elect is currently underway. The successful candidate for Benchers' Nominee will be announced at the July Bencher meeting, confirmed by the members at this year's annual general meeting pursuant to [Rule 1-19\(1\)](#), following which they will not be required to seek re-election in the upcoming General Election in the fall.

Eligibility

5. Our records indicate that the above Rule will affect the following Benchers:

Benchers who, at the end of 2025, are ineligible for re-election or reappointment:

- Paul Barnett
- Jennifer Chow, KC
- Sasha Hobbs
- Dr. Jan Lindsay
- Barbara Stanley, KC

Benchers who, at the end of one more term if re-elected or re-appointed, will be ineligible for re-election or reappointment:

- Cheryl D'Sa, KC
- Michèle Ross
- Natasha Tony

¹ Please note that CABRO has not historically reappointed appointed Benchers once they have served for six years.

Benchers who are not required to seek re-election and will become Life Benchers at the end of their presidency terms:

- Brook Greenberg, KC (2025)
- Thomas L. Spraggs, KC (2026)
- Michael F. Welsh, KC (2027)