



Benchers Meeting: Minutes

To: Benchers

Purpose: Approval (Consent Agenda)

Date: Friday, September 19, 2025

Present:

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

Absent: Gurminder Sandhu, KC

Staff present:	Avalon Bourne	Jeanette McPhee
	Kim de Bruijn	Doug Munro
	Alexander Burton	Sara Pavan
	Gigi Chen-Kuo	Michelle Robertson
	Jackie Drozdowski	Carrie Robinson
	Su Forbes, KC	Sarah Sharp
	Kerryn Holt	Lesley Small
	Jeffrey Hoskins, KC	Sherry Small
	Joyce Johnner	Arrie Sturdivant
	Alison Kirby	Christine Tam
	Nicolette Lang-Andersen	Maddie Taylor
	Michael Lucas, KC	Adam Whitcombe, KC
	Alison Luke	Teo Wong
	Claire Marchant	Charlene Yan
	Tara McPhail	Vinnie Yuen
Guests:	Christa Akey	Representative, Aboriginal Lawyers Forum, Canadian Bar Association, BC Branch
	Dom Bautista	Executive Director, Courts Center & Executive Director, Amici Curiae Friendship Society
	Clare Benton	2025 Scholarship for Graduate Legal Studies Recipient
	Jess Furney	Manager, Policy & Advocacy, Canadian Bar Association, BC Branch
	Freya Kodar	Dean of Law, University of Victoria
	Desmond MacMillan	Assistant Dean of Law, Thompson Rivers University
	Caroline Nevin	Chief Executive Officer, Courthouse Libraries BC
	Clarissa Peter	2025 Law Society Indigenous Scholarship Recipient
	Greg Phillips	President, Trial Lawyers Association of BC
	Laura Selby	Director of Publications, Continuing Legal Education Society of BC
	Cely-Rae Street	2025 Law Society Indigenous Scholarship Recipient
	Vanessa Udy	2025 Scholarship for Graduate Legal Studies Recipient

Recognition

1. Presentation of the 2025 Law Society Scholarship for Graduate Legal Studies

President Brook Greenberg, KC introduced the recipients of the 2025 Law Society Scholarship for Graduate Legal Studies, Clare C. Benton and Vanessa Udy.

2. Presentation of the 2025 Law Society Indigenous Scholarship

Mr. Greenberg introduced the recipients of the 2025 Law Society Indigenous Scholarship, Clarissa Peter and Cely-Rae Street.

Consent Agenda

3. Minutes of July 4, 2025, meeting (regular session)

The minutes of the meeting held on July 4, 2025 were approved unanimously and by consent as circulated.

4. Minutes of July 4, 2025, meeting (*in camera* session)

The minutes of the *in-camera* meeting held on July 4, 2025 were approved unanimously and by consent as circulated.

Reports

5. President's Report

Mr. Greenberg began his report with a few staffing updates. He thanked Claire Marchant, Director of Policy and Practice for her many contributions and wished her success in her new role as Executive Director of the Lawyers Assistance Program of BC. Mr. Greenberg also welcomed Sherry Small as the Law Society's new Director of Indigenous Initiatives.

Mr. Greenberg then provided reminders regarding the Law Society's upcoming annual general meeting, which would take place on October 7, as well as the upcoming Benchers election, for which nominations are currently open and will close on October 15.

Mr. Greenberg informed Benchers that First Vice President Thomas L. Spraggs, KC and himself would be meeting with all of the committee chairs to discuss the current progress of committee priorities. He then spoke about a number of events he had recently attended and would be attending, including the New Westminster Bar Association Dinner, welcome ceremonies, and

call ceremonies. He thanked Benchers for their involvement in organizing and attending call ceremonies.

Mr. Greenberg expressed his condolences about the recent passing of Life Benchers William Sullivan, KC and spoke about his many contributions to the Law Society and to the profession.

6. CEO's Report

Gigi Chen-Kuo, CEO and Executive Director, began her report by welcoming Sherry Small, the Law Society's new Director of Indigenous Initiatives and introducing her to the Benchers. She thanked Claire Marshall for all of her assistance advising on Indigenous initiatives, and she also thanked Claire Marchant for her many contributions to the Law Society over the past several years.

Ms. Chen-Kuo then spoke about the International Day of Democracy, which took place on September 15. She indicated that the Federation of Law Societies of Canada had published a statement reaffirming the essential connection between democracy, the rule of law, and an independent legal profession and judiciary, and spoke about the importance of this message.

Ms. Chen-Kuo updated Benchers regarding the recent meeting of the transitional board and transitional Indigenous council. She indicated that an updated work plan had been approved at the meeting, as had the establishment of a hiring committee to oversee the hiring of the transitional manager. Ms. Chen-Kuo further indicated that a number of recommendations regarding rules and policies for custodianships, practice advice, unauthorized practice, investigations, and licensing and enrollment were presented for discussion, all of which will be brought back to the transitional board and transitional Indigenous council for approval.

Ms. Chen-Kuo then provided an update regarding the recent International Institute of Law Association Chief Executives (IILACE) conference, which she had attended. She spoke about a number of sessions, which had focused on the potential uses of artificial intelligence by the profession, judiciary, and legal regulators; recent challenges to the rule of law; and ways to promote wellbeing within the profession.

Ms. Chen-Kuo concluded her report by speaking about the National Day for Truth and Reconciliation. She indicated that the Law Society's offices would be closed on September 30 to commemorate this important day, and she encouraged Benchers and staff to take the time to reflect and learn more about the history and legacy of the residential school system.

Discussion & Decision

7. Practice Fee Rebate Program: Pilot Implementation

Mr. Greenberg introduced the item and summarized the decision made by Benchers at the April 11, 2025 Bencher meeting to approve in principle the establishment of a one-year pilot of a practice fee rebate program. He also summarized the discussions that took place at the July 4, 2025 Bencher meeting and the September 4 Executive Committee meeting regarding this matter. Mr. Greenberg then reviewed the proposed structure and approach of the pilot program, which was before the Benchers for approval.

Benchers discussed the proposed structure of the pilot program, including the maximum rebate and how it would be distributed, eligibility criteria, whether or not the pilot should focus on newly called members, and whether or not articulated students should be included in the pilot. Some Benchers expressed concerns regarding the timing of implementing the program, particularly with the proposed increase to the annual practice fee, while other Benchers were of the view that increasing the annual practice fee would be fiscally prudent, and the pilot could help support those lawyers who were encountering financial challenges.

Mr. Greenberg advised that the pilot is intended to assist those in circumstances where receiving the rebate would be the difference between staying in or leaving the profession, and that one of the aims of the pilot would be to gather more information to help design a potential permanent program.

The following resolution was passed by the majority of Benchers:

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

8. Trust Review Task Force Report: Recommendation 38

Mr. Greenberg introduced the item and provided some background regarding the report and recommendations made by the Trust Review Task Force. He summarized discussions that had occurred at past Bencher meetings regarding recommendation 38, which recommended a policy change, so that the Trust Administration Fee (“TAF”) would apply to all client matters with a trust transaction, without exemptions. Mr. Greenberg indicated that staff had taken Bencher feedback into consideration, and that recommendation 38 had been revised, so that the TAF would apply to each client matter undertaken by a lawyer in connection with which a lawyer receives in trust \$10,000 or more in total. He further indicated that this matter was now before the Benchers for approval.

Benchers discussed the impact of the \$10,000 and whether or not the threshold should be higher, as well as the number of TAF matters that are related to real estate transactions. Benchers also discussed the proposed 2026 budget, and whether it contemplated the proposed revision to

recommendation 38. Jeanette McPhee, Chief Financial Officer and Senior Director of Trust Regulation advised that the proposed budget was developed based on the current status, as the proposed revision to recommendation 38 has not yet been approved by Benchers.

The following motion was moved and seconded:

BE IT RESOLVED that the Benchers approve a policy change to the implementation of the Trust Administration Fee in order that it will apply to each client matter undertaken by the lawyer in connection with which the lawyer receives in trust \$10,000 or more in total, and that rules be prepared for approval by the Benchers to effect this change.

Some Benchers were of the view that a \$10,000 threshold was too low, and that a threshold of \$15,000 would be more appropriate.

A motion was moved and seconded to amend the previous motion to increase the TAF threshold from \$10,000 to \$15,000.

Some Benchers expressed concerns that further data was needed prior to increasing the TAF threshold.

The motion to amend the original motion failed with one abstention.

Benchers discussed the original motion and the importance of continually reviewing these matters based on available data.

The original resolution, set out below, was passed by the majority of Benchers.

BE IT RESOLVED that the Benchers approve a policy change to the implementation of the Trust Administration Fee in order that it will apply to each client matter undertaken by the lawyer in connection with which the lawyer receives in trust \$10,000 or more in total, and that rules be prepared for approval by the Benchers to effect this change.

9. Expanding the Use of Alternatives to Discipline

Mr. Greenberg introduced the item and provided some background to the proposal to expand the Alternative Discipline Process (“ADP”) to include health-related competency issues and to establish the Alternative Resolution Measures (“ARM”) framework to address non-health-related conduct issues where remediation or resolution is likely achievable.

Benchers discussed the proposals to expand the ADP and to establish the ARM framework, including the resources needed for these proposed initiatives, the types of health-related conditions that could potentially affect competency, and how to ensure that structures remained in place to address more serious matters.

The following resolutions were passed by the majority of Benchers:

BE IT RESOLVED that Benchers approve, in principle, expanding the Alternative Discipline Process to include health-related competence issues as described in this report.

BE IT RESOLVED that Benchers approve, in principle, establishing the Alternative Resolution Measures framework as described in this report.

10.2026 Initiatives, Budget & Fees

First Vice-President Thomas L. Spraggs, KC introduced the item, and provided some background regarding the stability of the annual practice fee over the past six years. He spoke about the proposed 2026 budget and the Finance and Audit Committee's recommendation to increase the annual practice fee.

Ms. Chen-Kuo spoke about the Law Society's current strategic plan and summarized the objectives and operational priorities.

Ms. McPhee presented an overview of the general fund. She reviewed the rationale for increasing the annual practice fee, noting that the fee has remained the same for the past six years, Benchers had approved a deficit budget for 2025 to draw down net asset reserves, the work undertaken by the Law Society has increased in volume and complexity, recent revenue trends indicate slowed growth of practising lawyers, and significant use of the net asset reserves is expected for the potential single legal regulator transition and other operational projects.

Ms. McPhee then reviewed the 2026 general fund revenues, which are projected to be \$38.6 million, an 8.4% increase from the 2025 budget due to the proposed annual practice fee increase. She indicated that revenue from all other sources has flattened in comparison to prior years. Ms. McPhee then reviewed the general fund operating expenses, which are expected to increase; however, the expected increase is lower than previous years, despite a marked increase in workloads. She also reviewed net assets reserves and planned use of the funds, including \$3.7 million for the single legal regulator transition, as well as external funding included in the annual practice fee.

Su Forbes, KC, Chief Operating Officer of the Lawyers Indemnity Fund ("LIF") provided an overview of LIF's proposed budget and fees. She indicated that the recommendation was to have the LIF fee remain at \$1,800 (for full-time lawyers) and \$900 (for part-time lawyers) for 2026.

Benchers discussed the proposed 2026 budget, including whether or not the annual practice fee would remain stable for a period of time following the proposed increase in 2026. Mr. Spraggs advised that as the annual practice fee had remained static for six years, it would be challenging to have it remain stable and still keep pace with inflation. Ms. McPhee and Ms. Chen-Kuo added that there would likely need to be an increase each year to ensure a balanced budget, potentially beyond the pace of inflation, though consideration would be given to try and keep increases at a modest level, whether through cost cutting or other opportunities for efficiencies.

The following motion was moved and seconded:

BE IT RESOLVED that effective January 1, 2026, the practice fee be set at \$2,536, pursuant to section 23(1)(a) of the *Legal Profession Act*, which is projected to result in a deficit budget of \$174,034.

Benchers discussed the proposed increase to the practice fee, including addressing the change in Law Society communications, as well as the likelihood of future increases year over year. Benchers also discussed how the proposed increase to the practice fee would actually be less than if the practice fee had been increased year over year over the past six years to keep pace with inflation.

The resolution was passed by a majority of Benchers.

The following resolution was passed unanimously:

BE IT RESOLVED that effective January 1, 2026:

- The indemnity fee pursuant to section 30(3) of the *Legal Profession Act* be set at \$1,800;
- the part-time indemnity fee pursuant to Rule 3-40(2) be set at \$900; and
- the indemnity surcharge pursuant to Rule 3-44(2) be set at \$2,000; and
- the Part C \$2 million profession-wide annual aggregate be removed; and
- the Part C deductible, if no secondary verification, be reduced from 35% to 30% of the loss.

For Information

11. Timeline for 2025 General Election

There was no discussion on this item.

12. External Appointment: 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
2025-10-17