



Benchers Meeting: Minutes

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 Benchers 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 Benchers 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 Benchers 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 Benchers 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 Benchers 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