

January 21, 2026

Sent via email

Dear Tanya Chamberlain, KC, Gurminder Sandhu, KC, Georges Rivard, KC, and Jon Festinger, KC:

Re: 2026 Mandate for the Ethics and Lawyer Independence Advisory Committee and sub-committees

Thank you for agreeing to accept the appointment as the Chairs of the sub-committees of the Ethics and Lawyer Independence Advisory Committee (the “Committee”) for 2026.

The 2026-2028 Strategic Plan and the Terms of Reference along with the particular priorities outlined below should guide the sub-committees in their work this year.

In order to fulfil its mandate for 2026, I would appreciate if the Committee could endeavor to:

1. Meet as a full Committee early in 2026 to establish a work plan for the year, which sets out, in general terms the matters the Committee expects to address, the outcomes it expects to achieve, and the time frames by which it intends to do so;
2. Provide the Executive Committee with a copy of the Committee’s 2026 work plan by **March 20, 2026**;
3. Be available for consultation on any proposed changes to the *BC Code of Professional Conduct*, including amendments in relation to:
 - a) the Truth and Reconciliation Commission’s Call to Action 27;
 - b) the mandatory reporting provisions; and

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- c) other amendments proposed by the Federation Standing Committee on the Model Code of Professional Conduct.
4. Consider the development of a protocol for the receipt and review of requests for advisory opinions on matters of legal ethics, with the aim of ensuring consistency and transparency;
5. Monitor and consider current issues that may pose a threat or risk of erosion to the Rule of Law in British Columbia, Canada, or abroad, and prepare, or direct the preparation of, articles, Ethics Advisories, or other media for publication for lawyer education, and protection of the public in the administration of justice on such subjects for consideration by the Executive Committee; and
6. Deliver an omnibus What We Heard Report summarizing the issues identified by each of the sub-committees to the Executive Committee by **November 6, 2026**, to be reviewed and discussed by the Executive Committee and then the Bencher table.

Specifically, I would appreciate if each sub-committee and its members could endeavour to:

Civil (Family)

- Review the current *BC Code of Professional Conduct* and Law Society Rules, and consider specific scenarios, to identify unique ethical situations for family law practitioners where ethical boundaries may be confusing;
- Consider whether further clear ethical guidelines, commentary or rules for family law practitioners is in the public interest, with a specific focus on how they may be utilized to enhance family objectives including enhancing civility between parties, as well as current Rules that should not apply, or apply differently to family law practitioners;
- Consider the feasibility of planning a seminar or presentation with a specific focus on issues that are unique in family law ethics in 2026;

Civil (General)

- Review the current *BC Code of Professional Conduct* and Law Society Rules, and consider specific scenarios, to consider the impact of current civil litigation trends and identify unique ethical situations for lawyers practising in the area of civil litigation (e.g. the use and

potential abuse of specific Rules relating to court procedures). This work may benefit from the data obtained from the Judicial Liaison Committee, and I ask that you work closely with that committee to discern ethical dilemmas that benefit the public interest, with a specific focus on increasing civility and efficiency within the legal system;

- Consider whether further clear ethical guidelines, commentary or rules for civil litigation lawyers is in the public interest, including current Rules that should not apply, or apply differently to civil litigation lawyers;
- Proceed with preparing an ethics advisory regarding the ethical obligations arising when a lawyer leaves a firm;
- Review and consider the questions raised by the Practice Standards Committee in 2025 regarding the ethical obligations relating to the use of remote or overseas support staff, and determine whether, and to what extent, an advisory opinion or other guidance, should be prepared;

Criminal Practice

- Review the current *BC Code of Professional Conduct* and Law Society Rules, and consider specific scenarios, to consider the impact of and identify specific issues affecting the practice of criminal law from both the prosecutorial and defense practice perspectives;
- Consider whether further clear ethical guidelines, commentary or rules for lawyers practising in the area of criminal law is in the public interest, including lawyers and former lawyers who publicly comment on criminal court proceedings and outcomes, current Rules that should not apply, or apply differently to lawyers practicing in the area of criminal law;
- With a specific lens from criminal law practice, please monitor and consider current issues that may pose a threat or risk of erosion to the Rule of Law in British Columbia, or abroad, and prepare, or direct the preparation of articles, Ethics Advisories, or other media for publication for lawyer education, and protection of the public in the administration of justice on such subjects for consideration by the Executive Committee; and

- Consider the feasibility of planning a presentation or seminar that focuses on unique ethical issues in the practice of criminal law in 2026.

In-house Practice & Solicitors

- Review the current *BC Code of Professional Conduct* and Law Society Rules, and consider specific scenarios, to identify unique ethical situations for in-house lawyers and solicitors where ethical boundaries may be confusing;
- Consider whether further clear ethical guidelines, commentary or rules for in-house and solicitor ethical scenarios is in the public interest, including current Rules that should not apply, or apply differently to in-house practice and solicitors.

As a final note, please plan to include time to meet with me and First Vice-President Michael F. Welsh, KC midway through 2026 in June, July, or August, for an informal update as to the status of the Advisory Committee's work.

Yours truly,



Thomas L. Spraggs, KC
President, Law Society of BC