



NO. S-243258
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA

PLAINTIFF

AND:

HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA and the ATTORNEY GENERAL OF
BRITISH COLUMBIA

DEFENDANTS

NOTICE OF APPLICATION

Name of Applicants: LAW SOCIETY OF BRITISH COLUMBIA

To: THE DEFENDANTS

Attorney General of British Columbia
Ministry of Attorney General
Legal Services Branch
PO Box 9290 Stn Prov Govt
1001 Douglas Street
Victoria BC, V8W 9J7

The Applicant estimates that the application will take 3 days.

☐ This matter is within the jurisdiction of an Associate Judge.

☒ This matter is not within the jurisdiction of an Associate Judge.

TAKE NOTICE that an application will be made by the Applicants to the presiding judge at the Courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia on **Monday, June 17 at 10:00 a.m.** for the orders set out in Part 1 below.

Part 1: ORDERS SOUGHT

1. The Law Society of British Columbia (the **Law Society**) seeks the following orders:
 - (a) The operation of ss. 215 and 223-229 of the *Legal Professions Act*, S.B.C. 2024, c. 26 (**Bill 21**), is suspended until the determination by this Court of the claims in the Notice of Civil Claim filed May 17, 2024; and
 - (b) The Lieutenant Governor in Council (**LGIC**) is enjoined from bringing ss. 1-214, 216-222, 230-310, and 315-316 of Bill 21 into force until the determination by this Court of the claims in the Notice of Civil Claim;
 - (c) Alternatively, orders enjoining the Transitional Board, the Transitional IC, and the advisory committee (as each are defined or described below) from exercising any power or performing any duty conferred under ss. 223-229 of Bill 21 until the determination by this Court of the claims in the Notice of Civil Claim, together with an order enjoining the Attorney General from appointing members to the Transitional Board, the Transitional IC or the advisory committee under ss. 223-229 of Bill 21, until further order of this Court; and
 - (d) An order waiving the requirement for the Law Society to give an undertaking as to damages.

Part 2: FACTUAL BASIS

A. Overview

1. On May 16, 2024, the British Columbia legislature enacted Bill 21.¹ Bill 21 creates a new single regulator of legal professions in British Columbia – Legal Professions British Columbia (**LPBC**) – to regulate lawyers, notaries public, and certain paralegals practicing in the province, as well as new classes of government-created legal professionals that may be created and governed by Cabinet regulation.
2. Bill 21 erodes institutions that are fundamental to Canadian democracy: the independent bar and the independent judiciary. Bill 21 fails to protect the public's interest in having access to independent lawyers, governed by an independent regulator, that are not constrained by unnecessary government direction and intrusion.
3. The Law Society challenges the constitutionality of Bill 21 in a Notice of Civil Claim filed May 17, 2024.²

¹ *Legal Professions Act*, S.B.C. 2024, c. 26 [Bill 21].

² Notice of Civil Claim, Application Record (**AR**) Tab 5.

4. Injunctive relief is required to prevent immediate and irreparable harm to the public interest in the administration of justice. Under the transition provisions of Bill 21 that came into force upon Royal Assent (ss. 215 and 223-229³), the Law Society is compelled to facilitate the implementation of an unconstitutional governance model, and to create rules and process that weaken and inhibit the independence of the bar. In short, the Law Society is required to cooperate in fundamentally altering the *status quo* under which the lawyers have self-governed their profession for over 150 years, and to take its first formal steps in doing so by **July 16, 2024**. The harm to the legal system, and the public perception of it, is immediate and potentially permanent. Bill 21 must be enjoined until these legal issues, which strike at the bedrock of our democracy, are determined.
5. The practice of law is, and must continue to be, an independent and self-regulating profession. In every province and territory in Canada, self-regulated societies govern the professional bar for the purposes of upholding and protecting the public interest in the administration of justice. The Law Society fulfills its obligation to regulate lawyers practicing in British Columbia in the public interest by, among other things, preserving and protecting the rights and freedoms of all persons, and ensuring the independence, integrity, honour and competence of lawyers. The fundamental obligation on the professional bar to self-regulate lawyers in the public interest is reflected in s. 3 of the *Legal Profession Act*, S.B.C. 1998, c. 9 (LPA).
6. Bill 21 ends self-governance and self-regulation of lawyers in British Columbia, and therefore compromises the independence of the bar.
7. The test for interlocutory relief is clearly met in the circumstances: the constitutional questions raised by the Law Society in this action are serious; implementing Bill 21 will irreparably harm the public interest if the legislation is ultimately determined to be inconsistent with Canada's constitution; and the balance of convenience favours maintaining the *status quo* of independent, effective regulation of lawyers in the public interest under the LPA.

B. The Law Society of British Columbia

8. The object and duty of the Law Society is to uphold and protect the public interest in the administration of justice by, among other things, preserving and protecting the rights and freedoms of all persons, and ensuring the independence, integrity, honour and competence of lawyers.

³ Sections 311-313 of Bill 21 also came into force on Royal Assent. These provisions deal with existing Law Society programs and are not at issue in the litigation. **Schedule "A"** to this Notice of Application summarizes the commencement details for the provisions of Bill 21.

9. The membership of the Law Society is comprised of approximately 14,500 practicing lawyers, 1550 non-practicing lawyers, and 1070 retired lawyers.
10. The Law Society is the body through which lawyers exercise self-government and self-regulation in British Columbia. It is governed by a board of 31 Benchers, 25 (80%) of whom are elected from among lawyers. The remainder are appointed from the public. The Attorney General is also a Bencher.

i. The core self-regulatory functions of the Benchers

11. One of the core self-regulatory functions of the Benchers is rule-making. The *Law Society Rules* (the **Rules**) – currently the *Law Society Rules 2015* – are made by the Benchers, and govern all aspects of the day-to-day practice of law, and are binding on the Law Society, lawyers, law firms, the benchers, articulated students, applicants, and others authorized to practice law in British Columbia.
12. The Benchers also maintain the *Code of Professional Conduct for British Columbia* (the **Code**). The Code is an expression of the Benchers' views on the special ethical responsibility that comes with the lawyer's role, and forms an integral part of independent self-regulation of lawyers in the public interest. The Code is significantly related to the Federation of Law Societies' *Model Code of Professional Conduct*, which ensures pan-Canadian standards for the practice of law.

ii. Self-governance of the Law Society

13. The *LPA* does not prescribe the number of benchers, nor the manner of their election. The *LPA* prescribes only that the benchers are the Attorney General, up to six persons appointed by the Lieutenant Governor in Council (**LGIC**), and the lawyers elected under s. 7 of the *LPA*.
14. Pursuant to the *Rules*, the Benchers include 25 lawyers elected by other lawyers in nine regions across British Columbia, ensuring appropriate geographic representation of lawyers practicing in the province, in addition to the six non-lawyers appointed by the **LGIC**.

iii. Funding of the Law Society's operations

15. The Law Society receives no government funding. Its funds are derived from annual and other fees levied on licensees. The Benchers set the fees, and any special assessments, including but not limited to a fee for the Lawyers' Indemnity Fund, that must be paid by each licensee.

C. The transition provisions in Bill 21

16. Some of the harmful effects of Bill 21 on independence of the bar that are pleaded in the Notice of Civil Claim are immediate – the Law Society is compelled by Bill 21 to begin the transition process by appointing four (4) members to a Transitional Board (defined below) by **July 16, 2024**, failing which the Attorney General may appoint members on behalf of the Law Society. The Attorney General is not obligated to ensure that the members are lawyers.⁴

i. The transition provisions implement a new governance structure

17. The transition provisions implement the governance structure that will be used to replace the Benchers. After the transition is completed, on the amalgamation date to be designated by the LGIC (i.e. the date the Law Society and the Society of Notaries Public of British Columbia [SNPBC] are amalgamated and continued as LPBC⁵), each Bencher of the Law Society, whether elected or appointed, ceases to hold office as a Bencher.⁶
18. In place of the elected and appointed Benchers, the government has created two bodies⁷:
- (a) A 7-person transitional board (the **Transitional Board**), being 4 members appointed by the Benchers, one member appointed by the directors of SNPBC, one member appointed by the BC Paralegal Association, and one member appointed by the LGIC⁸; and
 - (b) A 5- or 6-person transitional Indigenous council (the **Transitional IC**),⁹ consisting of 3 members appointed by the BC First Nations Justice Council, a member appointed by Métis Nation British Columbia, and 1 or 2 members of the Transitional Board appointed by the Transitional Board. The Transitional IC will become the first Indigenous council (the **IC**) of the LPBC on the amalgamation date.¹⁰

⁴ Bill 21, s 223(2).

⁵ Bill 21, s 215.

⁶ Bill 21, s 230(1).

⁷ The transition provisions also create a 4-person advisory committee (comprised of the Executive Directors of the Law Society, SNP, and the Law Foundation, and an employee of government) to advise the Transitional Board and the Transitional IC on the transition to the Bill 21 regime, and on the first rules of the board. However, the advisory committee will be dissolved on the amalgamation date and there is no further role for the advisory committee after its dissolution. Neither the Transitional Board nor the Transitional IC are required to collaborate, consult with, or seek the approval of the advisory committee for any purpose.

⁸ Bill 21, s 223(1).

⁹ Bill 21, s 226(1).

¹⁰ Bill 21, s 232(1).

19. The Transitional Board will become the first board of LPBC on the amalgamation date.¹¹
20. Within six (6) months, the first board of LPBC must hold elections to elect five (5) directors from among lawyers, two (2) directors from among notaries, and either elect two (2) directors from among paralegals or appoint two further directors.¹² The LGIC must also appoint three (3) directors, of whom at least one must be an individual of a First Nation.¹³
21. Under s. 8(1)(e) of Bill 21, a further five (5) directors must be appointed, “after a merit-based process, by a majority of the other directors holding office”, of whom four (4) must be lawyers.
22. Lawyers do not form the majority of the 12 “other directors holding office” who appoint the additional five directors, including the four additional lawyers. Elected lawyers make up five of these 12 directors, and so may be outvoted.

ii. The transition provisions end self-regulation of lawyers in British Columbia

23. Section 226 of Bill 21 – already in force by Royal Assent - ends self-regulation of lawyers in British Columbia. The first rules of the board of LPBC, which will govern all aspects of the practice of law in British Columbia, are subject to the approval of the Transitional IC: no rules may be made “without first” obtaining the approval of the Transitional IC.¹⁴ The first rules of the board come into force on the amalgamation date.¹⁵
24. Lawyers do not form a majority of either the Transitional IC, or of the combined Transitional IC and Transitional Board.
25. The transition provisions effect an immediate and irreversible “transition” to an unconstitutional regulatory regime. The Law Society is conscripted, by a statutory duty imposed by s. 223(7) of Bill 21, to “cooperate” in the transition to this unconstitutional regime.

Part 3: LEGAL BASIS

A. Injunctive relief is available against the Crown in constitutional cases

26. An injunction may be granted by an interlocutory order of this Court in all cases in which it appears to the court to be just or convenient that the order should be made.¹⁶ This Court

¹¹ Bill 21, s 230(2).

¹² Bill 21, ss 8, 230(6).

¹³ “First Nation” means a First Nation whose traditional territory includes land within the boundaries of British Columbia: Bill 21, *supra* note 1, s. 1.

¹⁴ Bill 21, s 226(2)(b).

¹⁵ Bill 21, s 226(3).

¹⁶ *Law and Equity Act*, R.S.B.C. 1996, c. 253, s 39(1).

has the jurisdiction to grant interlocutory injunctive relief against the Crown in constitutional cases.¹⁷

27. The applicable test is the three-part test set out by the Supreme Court of Canada in *RJR-MacDonald Inc. v. Canada (Attorney General)*.¹⁸ The applicant must establish that:
 - (a) there is a serious question to be tried;¹⁹
 - (b) the applicant will suffer irreparable harm if the injunction is not granted²⁰; and
 - (c) the balance of convenience favours the granting of the injunction.²¹
 28. The fundamental question is whether the injunctive relief sought is just and equitable in all the circumstances of the case.²²
 29. The Law Society meets each part of the test. Injunctive relief to pause the transition to the Bill 21 regime is not only just and equitable in the circumstances of this case, but also imperative to preserve the rule of law and to protect the administration of justice in this province.
- B. This action raises serious constitutional issues to be tried**
30. The Law Society alleges in its Notice of Civil Claim that Bill 21 is unconstitutional because it is inconsistent with the independence of the bar.
 31. An independent bar is fundamental to the legitimacy of Canada's constitutional democracy and the maintenance of the proper constitutional relationship between the executive, the bar, and the judiciary.²³
 32. Independence of the bar is an unwritten constitutional principle²⁴ that flows by necessary implication from the preamble to and ss. 96-101 of the *Constitution Act, 1867*.²⁵ Independence of the bar is also a necessary component of the rule of law, and of the independence of the judiciary, each of which are also recognized as unwritten

¹⁷ *Harm Reduction Nurses Association v British Columbia (Attorney General)*, 2023 BCSC 2290 at paras 31-34 [*Harm Reduction* (BCSC)]; leave to appeal dismissed: 2024 BCCA 87.

¹⁸ *Harm Reduction* (BCSC) at paras 35-37; *RJR-MacDonald Inc v Canada (Attorney General)*, [1994] 1 SCR 311 [*RJR-MacDonald*].

¹⁹ *Harm Reduction* (BCSC) at paras 35-37.

²⁰ *Federation of Law Societies of Canada v Canada (Attorney General)*, 2023 BCSC 2068 at para 26 [FLSC 2023].

²¹ *RJR-MacDonald* at 342-344.

²² *Harm Reduction* (BCSC) at paras 35-37.

²³ *AG Can v Law Society of BC*, [1982] 2 SCR 307 at 335-336.

²⁴ *Federation of Law Societies of Canada v Canada (Attorney General)*, 2013 BCCA 147 at paras 105-113; appeal dismissed: *Canada (Attorney General) v Federation of Law Societies of Canada*, 2015 SCC 7, [2015] 1 SCR 401.

²⁵ Roy Millen, "The independence of the bar: An unwritten constitutional principle" (2005) 84 Can. Bar Rev. 107.

constitutional principles. The principle of independence of the bar also finds substantive expression in the fundamental rights guaranteed by the *Charter of Rights and Freedoms*, including ss. 7, 10(b), and 11(d).

33. The scope of the province's authority to legislate under ss. 92(13) and (14) of the *Constitution Act, 1867* must be interpreted in light of the entirety of the Constitution, including ss. 96-101 of the *Constitution Act, 1867* and the individual rights guaranteed in the *Charter*.²⁶ The extent to which a province may, by provincial enactment, impair the independence of the bar has never been determined by any court in Canada.
34. Self-governance and self-regulation of the bar ensure the independence of the bar and safeguard the public interest in the administration of justice.²⁷ Bill 21 ends self-governance and self-regulation of lawyers in British Columbia, gives the government the authority to create and regulate its own class of legal professionals, and creates a prescriptive regulatory regime that undermines the proper service of the public interest in the province.

C. The implementation of Bill 21 will cause irreparable harm if the injunction is not granted

35. If the injunction is not granted, and this Court ultimately concludes after trial that Bill 21 is unconstitutional, the harm caused to the public interest in the administration of justice by dissolving the Law Society and disbanding the Benchers, and introducing a co-governance model of regulation, will be irreparable.
36. There is a real and substantial risk that the following irreparable harm will occur by the implementation of Bill 21 if injunctive relief is not granted:²⁸

- (a) **The Law Society will be forced to discharge a duty that does not best serve the public interest.** The Law Society has a duty to the public to uphold the public interest in the administration of justice, including by preserving and protecting the rights and freedoms of all persons.²⁹ Bill 21 imposes a contrary duty on the Law Society to “cooperate” with the Transitional Board’s efforts to prepare for and facilitate the transition to the Bill 21 regime, including by appointing members to the Transitional Board, and by serving on the advisory committee.³⁰ Requiring the Law Society to serve competing objectives diverts the resources of the Law Society

²⁶ *Toronto (City) v Ontario (Attorney General)*, 2021 SCC 34 at paras 64, 75, 79, 84; *Re Remuneration of Judges of the Prov Court of PEI; Re Independence and Impartiality of Judges of the Prov Court of PEI*, [1997] 3 SCR 3 at para 107.

²⁷ *Pearlman v Manitoba Law Society Judicial Committee*, [1991] 2 SCR 869 at paras 41-42.

²⁸ *PD v British Columbia*, 2010 BCSC 290 at para 125; *British Columbia (Attorney General) v Reece*, 2023 BCCA 257 at para 98.

²⁹ See, for example, s. 3, *LPA*.

³⁰ Bill 21, ss 223(7), 223(1)(a), 225(2).

and irreparably harms the reputation of the Law Society as an independent, professional regulator of lawyers.³¹

- (b) **Public confidence in the administration of justice and the independence of the bar will be shaken.** Bill 21 does not adequately protect the independence of legal professionals.³² Implementing a system of regulation in the province that does not maintain the constitutional imperative of an independent bar – and forcing the regulator that is charged with protecting and preserving the rights and freedoms of all persons and the independence of the bar to participate in that process – causes irreparable harm to the public’s perception of lawyer and judicial independence, and the administration of justice.³³ Even if the Province’s position were to change, and Bill 21 is not implemented in its current form, the adverse effects of the implementation of a policy are not compensable – the deleterious effect of the government’s attempt to strip away fundamental principles cannot be undone.³⁴
- (c) **The Law Society’s administrative programs will be irreparably interrupted.** Bill 21 undoes the programs that the Law Society has carried out and promoted in the public interest for many years. This includes the recommendations for reform proposed by the Mental Health Task Force, designed to destigmatize mental health issues in the practice of law.³⁵ It includes the implementation of the Indigenous Framework Report, designed to advance the principles of reconciliation with Indigenous Peoples through the application and interpretation of the LPA, the Rules, and the Code.³⁶ Bill 21 terminates these efforts and replaces them with the government’s own policies and programs.³⁷
- (d) **The Law Society will suffer monetary loss.** Bill 21 requires the Law Society and SNP to pay the operational costs of the Transitional Board, the Transitional IC, and the advisory committee, and also remunerate the members of the Transitional Board and the Transitional IC and the person “responsible for managing the transition from the operation of the former Acts to the operation of this Act”, who will become the first chief executive officer of LPBC.³⁸ Similar remuneration obligations exist for the permanent board and Indigenous council. The Law Society has no clear

³¹ *RJR-MacDonald* at 341.

³² See, for example, Affidavit #1 of Brook Greenberg, K.C., affirmed on May 24, 2024 [**Greenberg Affidavit**], para. 88.

³³ *Law Society of British Columbia v Canada (Attorney General)*, 2001 BCSC 1593 at paras 81-82; *FLSC 2023* at para 35; Kent Roach, *Constitutional Remedies in Canada*, 2nd ed. (Toronto: Thomson Reuters), s. 7.8.

³⁴ *Whitecourt Roman Catholic Separate School District No 94 v Alberta*, 1995 ABCA 260 at para 29; *PT v Alberta*, 2019 ABCA 158 at para 68

³⁵ Greenberg Affidavit, paras, 109-123, Exs. 49-54.

³⁶ Greenberg Affidavit, paras. 146-150, Exs. 61-62.

³⁷ For example, Bill 21, ss 29, 68, 88, 226.

³⁸ Bill 21, s 228.

right of action against the Crown or the members of the governing bodies of LPBC to recover funds expended – the amount of which is unknown – to effect the transition to Bill 21. In these circumstances, this Court should assume that the financial damage that will be suffered by the Law Society (and by extension, its licensees) if injunctive relief is not granted constitutes irreparable harm.³⁹

- (e) **Bill 21 will effect irreversible financial changes.** Sections 216-219 and 242-246 of Bill 21 will come into force by regulation. These sections provide for the continuation of assets and liabilities of the Law Society and SNP as assets and liabilities of LPBC, and for the vesting of assets and assumption of liabilities of the Notary Foundation in the Law Foundation. Once these financial changes are made, they will be difficult or impossible to properly unwind if Bill 21 is found to be unconstitutional. This introduces destabilizing financial risk to the Law Society in its continued operations, and harms the public interest.⁴⁰

D. The balance of convenience favours the issuance of the injunction

37. The factors which must be considered in assessing the “balance of inconvenience” are numerous and will vary in each case. In this case, protection of the public interest in the proper administration of justice clearly tips the balance of convenience in favour of the injunctive relief sought by the Law Society.⁴¹
38. The court should assume that a democratically enacted law is directed to the public good and serves a valid public purpose, and that the law’s enforcement is in the public interest.⁴² But the government does not have a monopoly on the public interest.⁴³ An applicant can tip the scale of convenience in its favour by demonstrating a more compelling public interest in favour of granting injunctive relief than in its refusal.⁴⁴
39. The public interest in preventing the irreversible erosion of the independence of the bar in British Columbia clearly outweighs any public interest that Bill 21 is intended to serve. To the extent that the Province takes the position that Bill 21 provides an incremental increase in access to legal services, there is nothing in Bill 21 that actually promotes this purpose and which is not already available using existing legislation and regulatory tools.
40. There is no risk to the public interest in the administration of justice if the injunction is granted, and the *status quo* maintained. The Law Society ensures robust, visible and

³⁹ *RJR-MacDonald* at 342, 350.

⁴⁰ *RJR-MacDonald* at 342, 350.

⁴¹ *RJR-MacDonald* at 342; *Harper v Canada (Attorney General)*, 2000 SCC 57, [2000] 2 SCR 764 at para 9 [Harper].

⁴² *Harper* at para 9.

⁴³ *FLSC 2023* at para 44.

⁴⁴ *Ibid.*

professional regulation of lawyers, in the public interest under the LPA, the Rules, and the Code.⁴⁵ The work of the Law Society's committees and task forces, including its work to implement the Truth and Reconciliation Action Plan, the Indigenous Framework, and the recommendations of the Mental Health Task Force, among many other initiatives and innovations, will continue uninterrupted.⁴⁶ The Law Society's service of the public interest will not change while its challenge to Bill 21 is heard in the courts.

41. The Province has many tools at its disposal to improve access to justice in the province, including the following:
 - (a) The province enacted amendments to the LPA in 2018 that created a class of licensed paralegals to be regulated by the Law Society. Cabinet has not brought those amendments into force, though the Benchers asked that it be done.⁴⁷
 - (b) In 1992, the province began requiring lawyers to charge provincial sales tax on legal services provided in relation to property, corporations, or litigation in British Columbia, for the purposes of paying the proceeds of that new tax into legal aid services in the province. Since 2020, the province has paid less than 40% of the PST collected for the purpose of paying into legal aid into that program.⁴⁸
42. Public confidence in the administration of justice "depends not only on fact but also on reasonable perception."⁴⁹ Pursuing the creation of a single regulator of legal services at the expense of the independence of the bar will not improve access to justice or access to legal services in British Columbia.

E. The requirement for an undertaking as to damages should be waived

43. If the application is granted, the requirement for the Law Society to provide an undertaking as to damages should be waived.⁵⁰ The Province will not suffer any loss arising from a delay in implementation of Bill 21, should this action be dismissed.⁵¹
44. The Law Society is committed to bringing this matter before the Court for determination in as efficient a manner as possible, in accordance with Rule 1-3(1) of the *Supreme Court Civil Rules*.

⁴⁵ Greenberg Affidavit.

⁴⁶ Greenberg Affidavit, para. 156.

⁴⁷ Greenberg Affidavit, para. 157, Ex. 70.

⁴⁸ Greenberg Affidavit, para. 161.

⁴⁹ *Canada (Attorney General) v Federation of Law Societies of Canada* at para 97.

⁵⁰ Supreme Court Civil Rules, B.C. Reg. 168/2009, Rule 10-4(5);

⁵¹ *Mowi Canada West Inc v Canada (Fisheries, Oceans and Coast Guard)*, 2021 FC 293 at para 153; *Taseko Mines Limited v Phillips*, 2011 BCSC 1675 at paras 68-70.

Part 4: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Brook Greenberg, K.C., made May 24, 2024;
2. Affidavit #1 of Patti Lewis, made May 24, 2024;
3. Notice of Civil Claim filed May 17, 2024; and
4. Such further and other material as counsel shall advise and the court will permit.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this Notice of Application, you must, within 5 business days after service of this Notice of Application or, if this application is brought under Rule 9-7, within 8 business days after service of this Notice of Application.

- (a) file an Application Response in Form 33,
- (b) file the original of every affidavit, and every other document, that
 - (i) you intend to refer to at the hearing of this application, and
 - (ii) has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
 - (i) a copy of the filed Application Response;
 - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Dated at the City of Vancouver, in the Province of British Columbia, May 24, 2024.



Lawson Lundell LLP
Solicitors for the Applicants
Law Society of British Columbia

This Notice of Application is filed by Craig A.B. Ferris, K.C., Laura L. Bevan and Jonathan Andrews, of the law firm of Lawson Lundell LLP, whose place of business and address for delivery is 1600 – 925 West Georgia Street, Vancouver, British Columbia, V6C 3L2, e-mail

address: cferris@lawsonlundell.com, lbevan@lawsonlundell.com,
jandrews@lawsonlundell.com; telephone number: 604-685-3456.

To be completed by the court only:

Order made

☐ in the terms requested in paragraphs _____ of
Part 1 of this Notice of Application

☐ with the following variations and additional terms:

Date:

Signature of ☐ Judge ☐ Master

APPENDIX

The following information is provided for data collection purposes only and is of no legal effect.

THIS APPLICATION INVOLVES THE FOLLOWING:

- ☐ discovery: comply with demand for documents
- ☐ discovery: production of additional documents
- ☐ other matters concerning document discovery
- ☐ extend oral discovery
- ☐ other matter concerning oral discovery
- ☐ amend pleadings
- ☐ add/change parties
- ☐ summary judgment
- ☐ summary trial
- ☐ service
- ☐ mediation
- ☐ adjournments
- ☐ proceedings at trial
- ☐ case plan orders: amend
- ☐ case plan orders: other
- ☐ experts
- ☒ none of the above

SCHEDULE “A”

Commencement	Provisions	Description
Royal Assent	215 (Part 18, Div. 1)	<p>Definitions for the transitional provisions, including:</p> <ul style="list-style-type: none"> the Law Society and Society of Notaries Public are defined as the “former societies”. the “amalgamation date” of the former societies is the date s. 5 of Bill 21 comes into force, which will be determined by regulation of the Lieutenant Governor in Council (LGIC).
	223-229 (Most of Part 18, Div. 3)	<p>Transitional provisions related to governance, including concerning:</p> <ul style="list-style-type: none"> Establishment of the transitional board, transitional Indigenous Council, and advisory committee. The development and making of the first rules of the board. The appointment of a transitional tribunal chair. The obligation of the Law Society and Society of Notaries Public to pay the operational costs of the transitional board, Indigenous Council, and advisory committee, and to remunerate their members and reimburse their expenses.
	311-314 (Part 18, Div. 9)	<p>Provisions amending the <i>Legal Profession Act</i> (the Current Act) and <i>Notaries Act</i>. More particularly:</p> <ul style="list-style-type: none"> Amending the Current Act to authorize the Executive Director of the Law Society to grant exemptions to the prohibition on the practice of law established by s. 15(1). Amending s. 18 of the <i>Notaries Act</i> to amend the scope of practice with respect to the drawing and execution of wills.
	317	Commencement provision

Commencement	Provisions	Description
<p>By regulation of the LGIC</p> <p>(Note: Bill 21 does not expressly mandate the timing, order, or grouping for bringing provisions into force.)</p>	<p>1 to 214 (Parts 1-17)</p>	<p>Provisions establishing the new regulatory regime. (All of the non-transitional provisions.)</p>
	<p>216 to 222 (Part 18, Div. 2)</p>	<p>Transitional provisions related to amalgamation of the Law Society and the Society of Notaries Public. More particularly, provisions stipulating that upon the amalgamation date:</p> <ul style="list-style-type: none"> • The assets and liabilities of each of the former societies will continue as the assets of the new regulator. • Any records in the custody or under the control of a former society will be deemed to be records in the custody or under the control of the new regulator.
	<p>230 to 234 (Remainder of Part 18, Div. 3)</p>	<p>Transitional provisions concerning, for example:</p> <ul style="list-style-type: none"> • The establishment of the transitional board as the first board of Legal Professions British Columbia (“LPBC”), and, on the amalgamation date, the end of office for each of the benchers of the Law Society and the directors for the Society of Notaries Public (s. 230). • The establishment of the person appointed by the transitional board for managing the transition as the first chief executive officer of LPBC (s. 231). • The establishment of the transitional Indigenous Council as the first Indigenous Council for the new regulatory regime (s. 232). • The dissolution of committees established under the Current Act, unless specifically authorized to continue for the purpose of the transition (s. 233). • The establishment of the transitional tribunal chair as the first tribunal chair (s. 234).

Commencement	Provisions	Description
	235 to 241 (Part 18, Divs. 4-5)	Transitional provisions related to licensing and discipline.
	242 to 250 (Part 18, Div. 6)	Transitional provisions related to the Law Foundation and Notary Foundation (ss. 242-250), including the dissolution of the Notary Foundation and the transfer and vesting of its assets with those of the Law Foundation.
	251 to 253 (Part 18, Div. 7)	<p>Repeal of:</p> <ul style="list-style-type: none"> Certain provisions of the <i>Attorney General Statutes Amendment Act, 2018</i>, SBC 2018, c. 49, were enacted but never brought into force, and which would have amended the Current Act to provide for the practice and regulation of licensed paralegals (s. 251). The Current Act. The <i>Notaries Act</i>.
	254 to 310 (Part 18, Div. 8)	<p>Consequential amendments to:</p> <ul style="list-style-type: none"> <i>Arbitration Act</i> (s. 254). <i>Business Corporations Act</i> (s. 255). <i>Business Practices and Consumer Protection Act</i> (s. 256). <i>Class Proceedings Act</i> (s. 257) <i>Court Agent Act</i> (s. 258) <i>Evidence Act</i> (s. 259) <i>Financial Institutions Act</i> (s. 260) <i>Freedom of Information and Protection of Privacy Act</i> (ss. 261-262) <i>Health Care (Consent) and Care Facility (Admission) Act</i> (s. 263) <i>Health Professions and Occupations Act</i> (ss. 264-266) <i>Insurance Premium Tax Act</i> (s. 267) <i>International Commercial Arbitration Act</i> (s. 268)

Commencement	Provisions	Description
		<ul style="list-style-type: none"> • <i>Interpretation Act</i> (s. 269) • <i>Judicial Compensation Act</i> (s. 270) • <i>King's Counsel Act</i> (ss. 271-278) • <i>Land Owner Transparency Act</i> (s. 279) • <i>Land Surveyors Act</i> (s. 280) • <i>Land Title Act</i> (s. 281) • <i>Land Title and Survey Authority Act</i> (ss. 282-284) • <i>Legal Services Society Act</i> (ss. 285-289) • <i>Mental Health Act</i> (s. 290) • <i>Ministry of International Business and Immigration Act</i> (s. 291) • <i>Mortgage Brokers Act</i> (s. 292) • <i>Offence Act</i> (s. 293) • <i>Power of Attorney Act</i> (ss. 294-296) • <i>Provincial Court Act</i> (ss. 297-298) • <i>Provincial Sales Tax Act</i> (s. 299) • <i>Public Service Labour Relations Act</i> (s. 300) • <i>Real Estate Services Act</i> (s. 301) • <i>Representation Agreement Act</i> (s. 302) • <i>Supreme Court Act</i> (s. 303) • <i>Unclaimed Property Act</i> (s. 304) • <i>Vancouver Foundation Act</i> (s. 305) • <i>Wills, Estates and Succession Act</i> (ss. 306-308) • <i>Workers Compensation Act</i> (ss. 309-310)
	315 to 316	Provisions amending Bill 21, and in particular amending notaries' scope of practice and mandating that the board make rules accordingly.

NO.
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA

PLAINTIFF

AND:

HIS MAJESTY THE KING IN RIGHT OF THE
PROVINCE OF BRITISH COLUMBIA and the
ATTORNEY GENERAL OF BRITISH
COLUMBIA

DEFENDANTS

NOTICE OF APPLICATION



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Attention: Craig A.B. Ferris, K.C./Laura Bevan/Jonathan
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