

# Coverage Information



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## Pro Bono Legal Services

This information sheet explains the coverage available to you under the BC Lawyers Professional Liability Indemnification Policy (the “Policy”) if you provide pro bono legal services within the scope of your licence to practice law. It is intended only as a guide. The wording of the Policy governs any claim or potential claim.

### Coverage for pro bono services

*Pro bono* legal services are defined in the Law Society’s Rules as “the practice of law not performed for or in the expectation of a fee, gain or reward.” All licensees in good standing, whether they pay the indemnity fee or not, are permitted to provide *pro bono* services, however, only those who purchase the Policy will enjoy coverage under the Policy for all *pro bono* services. If you qualify for the part-time discount, you do not need to include any of the hours spent engaged in sanctioned *pro bono* services in your calculation of hours for the part-time discount.

If you are retired, non-practising, or practising and have claimed an exemption from the indemnity fee, you will only have coverage for approved (“sanctioned”) *pro bono* services provided through a sanctioned pro bono services program. You remain responsible for ensuring that you are providing *pro bono* services within your area of expertise, not acting in a conflict of interest, and maintaining your good standing with the Law Society.

### Limits of liability

If you have paid the indemnity fee, or have not paid the fee but are only providing sanctioned *pro bono* services to individuals, the limits of liability are \$1 million per error, and a \$2 million annual aggregate.

If you are providing sanctioned *pro bono* services to a charity or not-for-profit organization, the per error and annual aggregate limits of liability are \$250,000.

## Approved *pro bono* programs

An organization can apply to the Law Society to have a program approved as sanctioned *pro bono* services. There is no coverage under the Policy for the organization or its directors, officers, or employees. In order for the approved program to be and remain sanctioned, the organization is responsible for:

- managing risk reduction policies;
- determining a client’s financial means and evaluating other eligibility for *pro bono* assistance;
- maintaining a record of the engagement; and
- ensuring its volunteer licensees are in good standing with the Law Society.

If you are interested in more information about sanctioned programs, including program contact information, please consult the “Approved Programs” section of Access Pro Bono’s website<sup>1</sup>.

## “Sanctioned” *pro bono* services

*Pro bono* services are sanctioned if they are:

- approved by the Law Society (approved services for individuals are different from those approved for a charity or not-for-profit organization);
- provided to an eligible client;
- provided solely through an approved or sanctioned *pro bono* services program; and
- not for the benefit of a person or organization previously known to you, including a family member, friend or acquaintance.

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<sup>1</sup> [www.accessprobono.ca/volunteers/support-volunteer-lawyers](http://www.accessprobono.ca/volunteers/support-volunteer-lawyers)

***Approved pro bono services provided to an individual***

Services in these areas of law have been approved by the Law Society as sanctioned pro bono services provided to an individual:

- contract (includes consumer law)
- constitutional Law
- criminal (includes criminal defence, *Young Offenders Act*, criminal injury and victim assistance)
- defamation
- debts & collections (includes foreclosures, builders liens)
- employment law (includes employment insurance, harassment)
- family & child law (includes divorce, child welfare, adoptions)
- health, disability & social assistance (includes mental health and adult guardianship, workers compensation, income maintenance)
- human rights (includes police complaints, prisoners' rights)
- immigration
- taxation & GST
- insolvency / bankruptcy
- insurance
- housing
- pension & benefits (includes CPP/OAP/BC Benefits)
- torts / negligence
- wills & estates
- registration or incorporation of a society or not-for-profit organization
- compliance with the Societies Act
- other: professional service complaints, name changes, notarizing or taking affidavits

**unless** they relate in any fashion to:

- estate (tax) planning or trusts set up for tax purposes<sup>2</sup>
- environmental Law
- Indigenous land or other Indigenous property claims, but not including a disposition of an individual Certificate of Possession or NETI (No Evidence of Title Issued) registration
- defence or prosecution of class or representative actions

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<sup>2</sup> Includes services relating to tax driven wealth management plans, but not tax advice incidental to advising on simple wills and estates.

### ***Sanctioned pro bono services provided to a charity or not-for-profit organization***

Services in these areas of law have been approved by the Law Society as sanctioned pro bono services provided to an organization:

- obtaining charitable status
- registration or incorporation of a society or not-for-profit organization
- compliance with the *Societies Act*, or amending a constitution or bylaws
- general employment contracts<sup>3</sup>

**unless** they relate in any fashion to:

- a contentious legal issue
- a commercial lease
- commercial lending
- conveyancing

### ***The consequences of a paid claim are waived***

The usual consequences of an indemnity claim are:

- you pay a deductible of \$5,000 (first paid claim) or \$10,000 (subsequent paid claims reported within three years of the report date of the first paid claim);
- you are surcharged \$2,000 annually for five years, paying when you apply to renew your Practice Certificate (the total surcharge won't exceed the amount Lawyers Indemnity Fund paid in indemnity); and
- you lose eligibility for the part-time discount.

These consequences are waived when the claim arises out of your provision of sanctioned *pro bono* services through a sanctioned *pro bono* program.

## **Lawyers Indemnity Fund**

Please contact the Lawyers Indemnity Fund with any questions regarding the Policy generally, or coverage for pro bono services: [Contact us by types of inquiries | LIF<sup>4</sup>](#).

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<sup>3</sup> For example, legal advice about an employment contract in contemplation of termination would be excluded as relating to a contentious legal issue.

<sup>4</sup> [www.lif.ca/about-us/our-people/contact-us-by-types-of-inquiries/](http://www.lif.ca/about-us/our-people/contact-us-by-types-of-inquiries/)