

MEMBER'S MANUAL

Law Society
of British Columbia

AMENDMENT PAGES

2025: No. 1 May

Highlights

Law Society Rules 2015:* The rules are amended to provide clarity around the confidentiality of communications with Practice Advisors and the Equity Advisor (definitions of “Equity Advisor” and “Practice Advisor” and Rule 10-2.1).

**Historical notes are published only in the website version of the Rules.*

Filing: File the amended pages in your *Member's Manual* as follows:

Manual section	Existing pages to be removed	Amendment pages to be inserted
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After filing, insert this sheet at the front of the *Manual* for reference.

This amendment package updates the *Member's Manual* to **May 8, 2025**. The previous amendment package was 2024: No. 4 December.

To check that your copy of the Manual is up to date, consult the contents checklist on the next page. To print replacement pages, download the PDFs at [Member's Manual](#) on the Law Society website.

The Law Society Rules and *Code of Professional Conduct for British Columbia* can be accessed in the [For Lawyers](#) section of the Law Society website at www.lawsociety.bc.ca. Refer to the website for the most current versions of the Rules and Code.

MEMBER'S MANUAL CONTENTS CHECKLIST

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- “enrolment start date”** means the date on which an articulated student’s enrolment in the admission program becomes effective;
- “Equity Advisor”** means any person employed by the Society to provide, or to assist such Advisor in providing, advice and mediation assistance to lawyers, articulated students, law students and support staff of legal employers, regarding allegations of harassment or discrimination by lawyers;
- “Executive Committee”** means the Committee elected under Rule 1-41 [*Election of Executive Committee*];
- “Executive Director”** [rescinded]
- “fiduciary property”** means
- (a) funds, other than trust funds, and valuables for which a lawyer is responsible in a representative capacity or as a trustee, if the lawyer’s appointment is derived from a solicitor-client relationship,
- but does not include
- (b) any funds and valuables that are subject to a power of attorney granted to the lawyer if the lawyer has not taken control of or otherwise dealt with the funds or valuables;
- “firm”** [rescinded – see “law firm”]
- “foreign jurisdiction”** means a country other than Canada or an internal jurisdiction of a country other than Canada;
- “Foundation”** means the Law Foundation of British Columbia continued under section 58 (1) [*Law Foundation of British Columbia*];
- “funds”** includes current coin, government or bank notes, bills of exchange, cheques, drafts, money orders, charge card sales slips, credit slips and electronic transfers;
- “general”** in relation to accounts, books, records and transactions means those pertaining to general funds;
- “general funds”** means funds received by a lawyer in relation to the practice of law, but does not include
- (a) trust funds, or
 - (b) fiduciary property;
- “governing body”** means the governing body of the legal profession in another province or territory of Canada;
- “interim action board”** means a board appointed under Rule 3-10 [*Interim suspension or practice conditions*];
- “inter-jurisdictional law firm”** means a firm carrying on the practice of law in British Columbia and in one or more other Canadian or foreign jurisdictions, unless all lawyers in all offices of the firm are practising lawyers;

- “inter-jurisdictional practice”** includes practice by a member of the Society in another Canadian jurisdiction;
- “investigate”** includes authorizing an investigation and continuing an investigation in progress;
- “law clerk”** means a law clerk employed to work for a judge appointed under section 96 of the *Constitution Act, 1867*, or a judge of the Supreme Court of Canada, the Federal Court, the Federal Court of Appeal or the Tax Court of Canada;
- “law firm”** or **“firm”** means a legal entity or combination of legal entities carrying on the practice of law;
- “lawyer”** means a member of the Society;
- “limited liability partnership”** or **“LLP”** means a limited liability partnership under Part 6 of the *Partnership Act*, including an extraprovincial limited liability partnership registered under that Part;
- “metadata”** includes the following information generated in respect of an electronic record:
- (a) creation date;
 - (b) modification dates;
 - (c) printing information;
 - (d) pre-edit data from earlier drafts;
 - (e) identity of an individual responsible for creating, modifying or printing the record;
- “motions adjudicator”** means the Tribunal Chair or a lawyer designated by the Tribunal Chair to decide a matter or conduct a pre-hearing or pre-review conference under these rules;
- “multi-disciplinary practice”** or **“MDP”** means a partnership, including a limited liability partnership or a partnership of law corporations, that
- (a) is owned by at least one lawyer or law corporation and at least one individual non-lawyer or professional corporation that is not a law corporation, and
 - (b) provides to the public legal services supported or supplemented by the services of another profession, trade or occupation;
- “National Mobility Agreement”** means the National Mobility Agreement, 2013, of the Federation of Law Societies of Canada, as amended from time to time;
- “net interest”** means the total interest earned on a pooled trust account, minus any service charges and transmittal fee that the savings institution charges to that account;
- “officer”** means the Executive Director, a Deputy Executive Director or other person appointed as an officer by the Benchers;
- “Ombudsperson”** [rescinded – see “Equity Advisor”]

“panel” means a panel established in accordance with Part 5 [*Tribunal, Hearings and Appeals*];

“Practice Advisor” means any person employed by the Society to provide, or to assist such Advisor in providing, confidential advice to lawyers and articulated students on issues of ethics, professional conduct and practice management;

“practice management course” means a course of study designated as such and administered by the Society or its agents and includes any assignment, examination or remedial work taken during or after the course of study;

“practice review” means an investigation into a lawyer’s competence to practise law ordered under Rule 3-17 (3) (d) [*Consideration of complaints*] or 3-18 (1) [*Practice review*];

“practice year” means the period beginning on January 1 and ending on December 31 in a year;

“practitioner of foreign law” means a person qualified to practise law in a foreign jurisdiction who provides foreign legal services respecting the laws of that foreign jurisdiction;

“prescribed form” means a form approved by the Executive Director;

“principal” means a lawyer who is qualified to employ and employs an articulated student;

“pro bono legal services” means the practice of law not performed for or in the expectation of a fee, gain or reward;

“professional conduct record” means a record of all or some of the following information respecting a lawyer:

- (a) an order under Rule 2-57 (5) [*Principals*], prohibiting the lawyer from acting as a principal for an articulated student;
- (b) any conditions or limitations of practice or articles accepted or imposed under the Act or these rules;
- (c) a decision by a panel or a review board to reject an application for enrolment, call and admission or reinstatement;
- (d) a decision by the Credentials Committee to reject an application for an inter-jurisdictional practice permit;
- (d.1) a consent agreement to resolve a complaint under Rule 3-7.1 [*Resolution by consent agreement*];
- (d.2) an administrative penalty assessed under Rule 4-59 [*Administrative penalty*] unless cancelled under Rule 4-60 [*Review and order*];
- (e) any suspension or disbarment under the Act or these rules, including resignation requiring consent under Rule 4-6 [*Continuation of membership during investigation or disciplinary proceedings*];
- (f) recommendations made by the Practice Standards Committee under Rule 3-19 [*Action by Practice Standards Committee*];

- (g) an admission accepted by the Discipline Committee under Rule 4-29 [*Conditional admission*];
- (h) an admission accepted and disciplinary action imposed by a hearing panel under Rule 5-6.5 [*Admission and consent to disciplinary action*];
- (i) any Conduct Review Subcommittee report delivered to the Discipline Committee under Rule 4-13 [*Conduct Review Subcommittee report*], and any written dispute of that report considered by the Committee;
- (j) a decision made under section 38 (4) (b) [*Discipline hearings*];
- (k) an action taken under section 38 (5), (6) or (7);
- (l) an action taken by a review board under section 47 [*Review on the record*];
- (m) a payment made from the former special compensation fund on account of misappropriation or wrongful conversion by the lawyer;
- (n) an order for costs made against the lawyer under Part 5 [*Tribunal, Hearings and Appeals*];
- (o) any failure to pay any fine, costs or penalty imposed under the Act or these rules by the time that it is to be paid;
- (p) the outcome of an application made by the lawyer under the *Judicial Review Procedure Act* concerning a decision taken under the Act or these rules, including a predecessor of either;
- (q) the outcome of an appeal under section 48 [*Appeal*];
- (r) any disciplinary or remedial action taken by a governing body or body regulating the legal profession in any other jurisdiction;
- (s) a decision of or action taken by the Benchers on a review of a decision of a hearing panel;

“professional corporation” includes a law corporation and means a corporation that is a company, as defined in the *Business Corporations Act*, and that is in good standing under that Act or that is registered under Part 11 [*Extrajurisdictional Companies*] of the *Business Corporations Act*, through which a member of a profession, trade or occupation is authorized under a statute governing the profession, trade or occupation to carry on the business of providing services to the public;

“Protocol” means the Inter-Jurisdictional Practice Protocol signed on behalf of the Society on February 18, 1994, as amended from time to time;

“provide foreign legal services” means give legal advice in British Columbia respecting the laws of a foreign jurisdiction in which the person giving the advice is qualified;

PART 10 – GENERAL

Service and notice

10-1 (0.1) In this rule, “**recipient**” means a lawyer, former lawyer, law firm, articled student or applicant.

- (1) A recipient may be served with a notice or other document by
 - (a) leaving it at the place of business of the recipient,
 - (b) sending it by
 - (i) registered mail, ordinary mail or courier to the last known business or residential address of the recipient,
 - (ii) electronic facsimile to the last known electronic facsimile number of the recipient,
 - (iii) electronic mail to the last known electronic mail address of the recipient, or
 - (iv) any of the means referred to in subparagraphs (i) to (iii) to the place of business of the counsel or personal representative of the recipient or to an address given to Law Society counsel by a respondent for delivery of documents relating to a citation, or
 - (c) posting it to an electronic portal operated by the Society to which the recipient has been given access and notifying the recipient of the posting by a method enumerated in paragraph (b) (ii) or (iii).
- (2) If it is impractical for any reason to serve a notice or other document as set out in subrule (1), a motions adjudicator may order substituted service, whether or not there is evidence that
 - (a) the notice or other document will probably
 - (i) reach the intended recipient, or
 - (ii) come to the intended recipient’s attention, or
 - (b) the intended recipient is evading service.
- (3) [rescinded]
- (4) A document may be served on the Society or on the Benchers by
 - (a) leaving it at or sending it by registered mail or courier to the principal offices of the Society, or
 - (b) personally serving it on an officer of the Society.
- (4.1) A document required under the Act or these rules to be delivered to the President or the Executive Director must be left at or sent by registered mail or courier to the principal offices of the Society.
- (5) A document sent by ordinary mail is deemed to be served 7 days after it is sent.

- (6) A document that is left at a place of business or sent by registered mail or courier is deemed to be served on the next business day after it is left or delivered.
- (7) A document sent by electronic facsimile or electronic mail is deemed to be served on the next business day after it is sent.
- (7.1) A document that is posted to an electronic portal operated by the Society is deemed to be served the next business day after the document is posted and notice is sent to the recipient.
- (8) Any person may be notified of any matter by ordinary mail, registered mail, courier, electronic facsimile or electronic mail to the person's last known address.

Duty not to disclose

- 10-2** A person performing any duty or fulfilling any function under the Act or these rules who receives or becomes privy to any confidential information, including privileged information,
- (a) has the same duty that a lawyer has to a client not to disclose that information, and
 - (b) must not disclose and cannot be required to disclose that information except as authorized by the Act, these rules or an order of a court.

Communication with Equity Advisor and Practice Advisor confidential

- 10-2.1** (0.1) For the purpose of this rule, "Advisor" means an Equity Advisor or a Practice Advisor.
- (1) This rule must be interpreted in a manner to facilitate an Equity Advisor assisting in mediation through communication without prejudice to the rights of any person.
 - (2) Communication between an Advisor acting in that capacity with any person receiving or seeking assistance from an Advisor is, subject to subsection (3), confidential and must remain confidential in order to foster an effective relationship between an Advisor and individuals who seek or receive their assistance.
 - (3) Advisors must hold in confidence and must not disclose all information acquired in their capacity as an Advisor, other than to another Advisor acting in the same capacity, unless:
 - (a) information received reveals a trust shortage that will not otherwise be reported to the Society;
 - (b) disclosure of the information is required by law or court order;
 - (c) the individual seeking assistance provides express consent, verbally or in writing, to the disclosure or release of the information provided; or
 - (d) an Advisor has reasonable grounds to believe from the information provided that there is an imminent risk of death or serious bodily harm to the individual seeking advice or to another person, and disclosure is necessary to prevent such death or harm.

Records

- 10-3** (1) In this rule, “**storage provider**” means any entity storing or processing records outside of a lawyer’s office, whether or not for payment.
- (2) When required under the Act or these rules, a lawyer must, on demand, promptly produce records in any or all of the following forms:
- (a) printed in a comprehensible format;
 - (b) accessed on a read-only basis;
 - (c) exported to an electronic format that allows access to the records in a comprehensible format.
- (3) A lawyer who is required to produce records under the Act or these rules must not alter, delete, destroy, remove or otherwise interfere with any record that the lawyer is required to produce, except with the written consent of the Executive Director.
- (4) A lawyer must not maintain records, including electronic records, with a storage provider unless the lawyer
- (a) retains custody and control of the records,
 - (b) ensures that ownership of the records does not pass to another party,
 - (c) is capable of complying with a demand under the Act or these rules to produce the records and provide access to them,
 - (d) ensures that the storage provider maintains the records securely without
 - (i) accessing or copying them except as is necessary to provide the service obtained by the lawyer,
 - (ii) allowing unauthorized access to or copying or acquisition of the records, or
 - (iii) failing to destroy the records completely and permanently on instructions from the lawyer, and
 - (e) enters into a written agreement with the storage provider that is consistent with the lawyer’s obligations under the Act and these rules.
- (5) If the Executive Committee declares, by resolution, that a specific entity is not a permitted storage provider for the purpose of compliance with this rule, no lawyer is permitted to maintain records of any kind with that entity.

Security of records

- 10-4** (1) A lawyer must protect all records related to the lawyer's practice and the information contained in them by making reasonable security arrangements against all risks of loss, destruction and unauthorized access, use or disclosure.
- (2) A lawyer must immediately notify the Executive Director in writing of all the relevant circumstances if the lawyer has reason to believe that
- (a) the lawyer has lost custody or control of any records related to the lawyer's practice for any reason,
 - (b) anyone has improperly accessed or copied any of the lawyer's records, or
 - (c) a third party has failed to destroy records completely and permanently despite instructions from the lawyer to do so.