



Bencher Meeting: Minutes

To: Benchers

Purpose: Approval (Consent Agenda)

Date: Friday, November 1, 2024

Present:

Jeevyn Dhaliwal, KC, President	Benjamin D. Levine
Brook Greenberg, KC, 1st Vice-President	Dr. Jan Lindsay
Lindsay R. LeBlanc, KC, 2nd Vice-President	Jaspreet Singh Malik
Simran Bains	Jay Michi
Paul Barnett	Georges Rivard
Aleem Bharmal, KC	Michèle Ross
Tanya Chamberlain	Gurminder Sandhu, KC
Nikki L. Charlton	Thomas L. Spraggs
Jennifer Chow, KC	Barbara Stanley, KC
Christina J. Cook	James Struthers
Tim Delaney	Natasha Tony
Brian Dybwad	Michael F. Welsh, KC
Cheryl D'Sa, KC	Kevin B. Westell
Ravi R. Hira, KC	Gaynor C. Yeung
Sasha Hobbs	Jonathan Yuen
James A. S. Legh	

Staff present: Don Avison, KC
Gurprit Bains
Barbara Buchanan, KC
Kerryn Holt
Jeffrey Hoskins, KC
Alison Kirby
Michael Lucas, KC
Alison Luke
Claire Marchant
Tara McPhail
Jeanette McPhee

Doug Munro
Rashmi Nair
Michelle Robertson
Lesley Small
Christine Tam
Maddie Taylor
Adam Whitcombe, KC
Teo Wong
Vinnie Yuen

Guests: Dom Bautista Executive Director, Courts Center & Executive Director, Amici Curiae Friendship Society
Ian Burns Digital Reporter, The Lawyer's Daily
Paul Hargreaves CFO, Courthouse Libraries BC
Desmond MacMillan Assistant Dean of Law, Thompson Rivers University
Mark Meredith Treasurer and Board Member, Mediate BC
Meaghan Parker-Sutton Executive Assistant, Canadian Bar Association, BC Branch
Linda Russell CEO, Continuing Legal Education Society of BC

Consent Agenda

1. Minutes of September 20, 2024, meeting (regular session)

The minutes of the meeting held on September 20, 2024 were approved unanimously and by consent as circulated, subject to amending page 3 to indicate that James Struthers was not in attendance and amending the fourth paragraph on page 10 to replace “practicing numbers” with “practising members”.

2. Minutes of September 20, 2024, meeting (*in camera* session)

The minutes of the *in camera* meeting held on September 20, 2024 were approved unanimously and by consent as circulated.

3. 2025 Fee Schedule Amendments

The following resolution was passed unanimously and by consent, subject to amending the fee payable prior to call for June to \$193.42 in section 4.

BE IT RESOLVED to amend the Law Society Rules, effective January 1, 2025, as follows:

1. ***By striking the year “2024” in each of the headings for Schedules 1, 2 and 3 and substituting the year “2025”;***
2. ***In Schedule 1, by striking “\$2303.00” at the end of item A 1 and substituting “\$2,321.00”;***
3. ***In Schedule 1, by striking out “\$15.00” at the end of item B 1 and substituting “\$20.00”;***
4. ***By striking the table in Schedule 2 and replacing it with the following:***

	Practice fee		Indemnity fee assessment	
	Payable prior to call	Payable by May 31	Payable prior to call	Payable by May 31
Full-time indemnification				
January	1,160.50	1,160.50	900.00	900.00
February	967.08	1,160.50	750.00	900.00
March	773.67	1,160.50	600.00	900.00
April	580.25	1,160.50	450.00	900.00
May	386.83	1,160.50	300.00	900.00
June	193.42	1,160.50	150.00	900.00
July	1,160.50	0.00	900.00	0.00
August	967.08	0.00	750.00	0.00
September	773.67	0.00	600.00	0.00
October	580.25	0.00	450.00	0.00

November	386.83	0.00	300.00	0.00
December	193.42	0.00	150.00	0.00
Part-time indemnification				
January	1,160.50	1,160.50	450.00	450.00
February	967.08	1,160.50	375.00	450.00
March	773.67	1,160.50	300.00	450.00
April	580.25	1,160.50	225.00	450.00
May	386.83	1,160.50	150.00	450.00
June	193.42	1,160.50	100.00	450.00
July	1,160.50	0.00	450.00	0.00
August	967.08	0.00	375.00	0.00
September	773.67	0.00	300.00	0.00
October	580.25	0.00	225.00	0.00
November	386.83	0.00	150.00	0.00
December	193.42	0.00	100.00	0.00

5. By striking the table in Schedule 3 and replacing it with the following:

	Non-practising members fee	Retired members fee
January	325.00	125.00
February	297.92	114.58
March	270.83	104.17
April	243.75	93.75
May	216.67	83.33
June	189.58	72.92
July	162.50	62.50
August	135.42	52.08
September	108.33	41.67
October	81.25	31.25
November	54.17	20.83
December	27.08	10.42

REQUIRES 2/3 MAJORITY OF BENCHERS PRESENT

4. Omnibus Code Changes – Gender Inclusivity and General Updates

The following resolution was passed unanimously and by consent:

BE IT RESOLVED the Law Society of British Columbia adopt amendments to the BC Code as set out in Appendix B to the memorandum.

5. 2025 Task Forces

The following resolution was passed unanimously and by consent:

BE IT RESOLVED that the Benchers approve:

- a. The dissolution of the Lawyer Development Task Force, effective as of December 31, 2024;
- b. The dissolution of the Trust Review Task Force on presentation of its final report to the Benchers on February 7, 2025;
- c. The establishment of a Task Force on Bullying, Harassment, and Discrimination in the Legal Profession with a 2-year mandate; and.
- d. The establishment of a Task Force on Law Society Discipline Processes with a 2-year mandate.

Reports

6. President's Report

President Jeevyn Dhaliwal, KC confirmed that no conflicts of interest had been declared.

Ms. Dhaliwal began her report by speaking about the recent passing of Leon Getz, KC, Life Bencher. She paid tribute to his services to the Law Society and to the profession.

Ms. Dhaliwal spoke about her time serving as a Bencher and as President. She thanked Benchers for their help and support over the course of her term in carrying out the mandate of the Law Society.

Ms. Dhaliwal then provided an overview of recent events she had attended, including attending and providing remarks at the New Westminster Bar Association Bench and Bar dinner and attending the Kootenay Bar Association fall meeting in Cranbrook.

Ms. Dhaliwal provided an overview of the International Conference of Legal Regulators, which took place in Melbourne, Australia. Ms. Dhaliwal indicated that the conference's key topics included diversity and inclusion with a strong focus on how to increase diversity within the legal profession and pathways to support individuals from diverse cultural and socioeconomic backgrounds to make the profession more representative of the broader community. The conference also focused on Indigenous legal issues, including the intersection of Indigenous issues and legal regulation, the historic and current treatment of Indigenous communities, and the role of self-determination in legal contexts. Ms. Dhaliwal also provided an overview of one of

the plenary sessions, which compared approaches in Australia, Canada, and New Zealand with specific insights into New Zealand's te ao Māori strategy, and its influence on regulatory reform.

Ms. Dhaliwal acknowledged and extended her gratitude to all those involved in the designing and implementing of the alternative discipline process, which has by all accounts far exceeded expectations in regard to its outcomes. She thanked staff and First Vice-President Brook Greenberg, KC for their help in developing a compelling presentation, which has attracted significant international attention and interest.

Ms. Dhaliwal concluded her report by speaking about the many important and commemorative days that are recognized throughout the month of October, and encouraged Benchers to participate in some of the events designed to generate awareness or mark celebrations.

7. CEO's Report

Don Avison, KC began his report by providing a further overview regarding the International Conference of Legal Regulators. He indicated that he hoped Katie Rusbach, Chief Executive Officer of the New Zealand Law Society Te Kāhui Ture o Aotearoa would be able to visit the Law Society in the future to speak about the work her and her team have been undergoing and to deepen the partnership between the two law societies. Mr. Avison also provided an overview of the panel he was on, which focused on changes with respect to regulatory models in a number of jurisdictions, with particular focus on the current state of affairs in Ireland, Scotland, and BC. He spoke about some of the informal discussions that took place with other jurisdictions, in particular the United States regarding what is seen as an evolving level of increased government engagement in relation to the profession more broadly and with respect to regulation.

Mr. Avison then spoke about the recent Federation of Canadian Law Societies conference in Halifax and the discussions that took place regarding anti- money laundering, and the leadership role the Law Society has played in that area.

Mr. Avison spoke about the results of the recent provincial election, particularly the impacts of the election on cabinet, as a number of cabinet ministers had chosen not to run for re-election, as well as the number of new MLAs who will now make up the Legislative Assembly. He indicated that there is no plan for fall session of the Legislative Assembly, and the next formal sitting would likely be in February of next year. Mr. Avison also spoke about the impact of the election results on Bill 21, and the need for continued engagement with all parties.

Mr. Avison then spoke about the current state of affairs in Alberta, in light of recent statements made by the premier of Alberta with respect to regulatory reform and plans for legislative changes. He spoke about these comments being part of a disturbing trend of governments wanting to be much more engaged in either influencing or limiting the scope of regulatory responsibility for the regulators of the professions, and that he was of the view that the law societies and the Federation would need to keep a close eye on this matter.

Transition work in relation to Bill 21 is ongoing, and Mr. Avison indicated that there had been one meeting of the transitional board with another to take place shortly. He spoke about Scott Morishita's recent appointment as Justice of the Supreme Court of BC, so consideration would need to be given as to his replacement on the transitional board.

Mr. Avison then spoke about the member resolutions submitted at the Law Society's recent annual general meeting, indicating that staff is developing background materials on several aspects of the resolutions to assist with further consideration at a future meeting.

Mr. Avison updated Benchers on a report released recently by the Nova Scotia Barristers' Society regarding systemic discrimination in the legal profession. He indicated that all Benchers would be provided with a copy.

Mr. Avison concluded his report by indicating that he would be recommending that Benchers make yet another attempt to engage with the provincial government to bring into force the 2018 provisions of the current *Legal Profession Act* regarding the licensing of paralegals. He indicated that even though a working group had been established with a proposed scope of practice in relation to this matter, he was of the view that this should not delay making progress in terms of licensing paralegals.

Discussion/Decision

8. Demographic Data Collection and Use

Ms. Dhaliwal introduced the item and provided some background regarding the recommended approach to the Law Society's demographic data collection and use.

Claire Marchant, Director, Policy and Practice Support provided some additional information regarding the proposed approach to demographic data collection and use. She indicated that ensuring equal access to entry into the legal profession is recognized by the Supreme Court of Canada as part of the Law Society's duty to uphold the public interest, and demographic data equips the Law Society with a key tool to help identify and to address systemic inequalities in its regulatory requirements, and within the profession.

Ms. Marchant then spoke about the review of the current approach to demographic data collection and use and reviewed with Benchers the three key challenges that had been identified. Firstly, that almost all demographic data collected currently only comes from a subset of the profession, which excludes some categories of lawyers, including retired and non-practising lawyers and articulated students. Secondly, the Law Society primarily collects demographic data anonymously, which limits the Law Society's ability to connect different data sets and to perform advanced statistical and intersectional analysis, which would be necessary to develop a nuanced

understanding of existing systemic inequalities and to track changes in the profession over time. Finally, the current language and format of the demographic self-identification questions that appear following the completion of the annual practice declaration do not align with best practices, and the quality of data being collected through this process could be improved accordingly.

Ms. Marchant then provided an overview of the proposed new approach that would follow three principles, which include continuing to collect demographic data on a voluntary basis, but in an identifiable rather than anonymous manner; collecting demographic data from all categories of licensees as well as other individuals governed by the Law Society; and reviewing and revising the demographic data collection questions currently asked after the completion of the annual practice declaration to assure alignment with best practices and to improve the quality of data being collected.

Ms. Marchant then reviewed with Benchers the key pillars of the new approach, including the collection of data on a voluntary basis, clarity of purpose, trust, confidentiality and privacy, and accountability. She also spoke about the importance of the pillars in regard to the proposed new approach, and that they are built upon the fundamental premise that demographic data will be used solely at an aggregate level and will not be used for individual regulatory decisions.

Ms. Marchant indicated that the goal of improving demographic data collection is to provide the Law Society with insights into the barriers that exist for under-represented groups and to capture relevant social identities in a way that will help address these issues more effectively. She concluded her remarks by further indicating that this new approach would assist the Law Society in ensuring equal access to the legal profession in line with the Law Society's duty to uphold the public interest.

Benchers discussed the recommended approach to the Law Society's demographic data collection and use. Some Benchers expressed concerns about what would be done with the demographic data once collected and ensuring that those providing their data were aware. Ms. Marchant advised that providing detailed information on why data is being collected and what would be done with it would be integral to the process.

Second Vice-President and Co-Chair of the Truth and Reconciliation Advisory Committee Lindsay R. LeBlanc, KC added that this new approach and the recommendations included in the report were endorsed by the Truth and Reconciliation Advisory Committee. She provided an overview of the Advisory Committee's discussions, and the importance of recognizing that many Indigenous lawyers will have concerns about providing demographic data, and they will want to know why the data is being collected, and ensure that it will be used respectfully. Ms. LeBlanc also spoke about the concept around the ownership of data, Indigenous principles, and ensuring that the data is aggregated, so that individuals cannot be identified, and that these matters have been reflected in the report.

Natasha Tony, Chair of the Equity, Diversity and Inclusion Advisory Committee added that the Advisory Committee also endorsed this new approach and the recommendations included in the report. She spoke about the importance of being able to identify problems and biases in decision-making processes so as to enact change, and having demographic data is essential to shed light on the unique challenges that Indigenous groups and historically marginalized communities face. Ms. Tony also spoke about the potential pushback that the Law Society could face with this new approach, and that it would be important to be clear about the Law Society’s intentions in regard to the collection and use of demographic data.

Bencher discussed the importance of collecting demographic data as a first step in identifying inequities, biases, and prejudices within the profession.

The following resolution was passed unanimously:

BE IT RESOLVED THAT the Benchers approve, in principle, that the Law Society adopt a new approach to the collection and use of demographic data based on the following principles:

- a. continue collecting demographic data on a voluntary basis, but in an identifiable rather than anonymous manner;**
- b. collect demographic data from all categories of licensees (practising, non-practising, and retired), as well as other individuals governed by the Law Society; and**
- c. review and revise the demographic data questions currently asked following completion of the Annual Practice Declaration to ensure alignment with best practices and improve the quality of data being collected.**

For Information

9. 2025 Bencher and Executive Committee Meeting Schedule

There was no discussion on this item.

10. Bencher Retreat 2024 – Discrimination, Harassment & Bullying in the Legal Profession

There was no discussion on this item.

The Benchers then commenced the *in camera* portion of the meeting.

AB 2024-11-19