SLR Board and Indigenous Council

Minutes of Meeting

Meeting Date: September 17, 2025

Meeting Time: 13:00

Meeting Type: Hybrid

Meeting Location: Law Foundation of BC

Board Members in Attendance:

Bruce LeRose, KC (Chair)	Elizabeth Kollias
Johanne Blenkin	Scott Simpson
Jeevyn Dhaliwal, KC	Sarah Westwood, KC
Katrina Harry, KC	

Indigenous Council Members in Attendance:

John Borrows	Andrea Hilland, KC
Christina J. Cook, KC	Regrets: Carly Teillet

Advisory Committee Members in Attendance:

John Mayr	Adam Whitcombe, KC
Josh Paterson, KC	Paul Craven

Participants and Attendees:

Michael Johnston	Legal Advisors to the Indigenous Council
Jaxxen Wylie	Legal Advisors to the Indigenous Council
Cary Ann Moore	Policy Development
Jared Friedman	Project Management
Lindsey Ogilvie	Project Management
Maddie Holm-Porter	Project Support

Observers:

Name	Organization	Name	Organization
Alan Treleaven	SNPBC, Director	Joan Letendre	Staff, SNPBC
Alexander Burton	Staff, LSBC	Joyce Johner	Staff, LSBC
Brook Greenberg, KC	President, LSBC	Kerryn Holt	COO, LSBC
Carolyn Anderson	Staff, LSBC	Lesley Small	Senior Director, LSBC
Carrie Robinson	Staff, LSBC	Michael Lucas	Staff, LSBC
Catherine Morris	Lawyers' Rights Watch	Michael Welsh	VP, LSBC
Claire Marchant	Staff, LSBC	Michèle Ross	Bencher, LSBC

Name	Organization	Name	Organization
Derek LaCroix, KC	ED, LAPBC	Su Forbes	COO, LIF
Gail Davidson	Lawyer's Rights Watch	Tara McPhail	CLO, LSBC
Gavin Hoekstra	Staff, LSBC	Terry Becker	Okanagan College
Jeannette McPhee	CFO, LSBC	Thomas L. Spraggs	Bencher, LSBC
Jeff Hoskins, KC	Staff, LSBC	Trevor Kaatz	Staff, LSBC

1.0 Welcome and Acknowledgements

The meeting was called to order at 13:04

The Chair welcomed the Board, Indigenous council, and members of the Advisory Committee and delivered a territorial acknowledgement.

2.0 Approval of Minutes from the previous meeting

The June 18, 2025 meeting minutes were approved.

3.0 Update from the Project Director

The Cascadia Partners project director delivered a brief update on process, and proposed committees.

4.0 Updated Workplan

Updates to the workplan were presented. The board approved the workplan and authorized its publication to the LPA transition website.

5.0 Consent Resolution: Board Meeting Schedule

The proposed meeting date of March 9, 2026 was amended to March 18, 2026 and the proposed meeting date of June 15, 2026 was amended to June 8, 2026.

The transitional board and the transitional Indigenous council hereby ratify and authorize extending the length of regular Board meetings, adding an additional meeting in November, and confirming a schedule of meetings for 2026.

6.0 Consent Resolution: Hiring Committee

The consent resolution was amended to add Jeevyn Dhaliwal as a member of the committee.

The transitional board and the transitional Indigenous council hereby ratify and authorize the establishment of the Hiring Sub-Committee with the purpose of overseeing and carrying out the recruitment, evaluation, and selection of a Transition Manager and Tribunal

Chair, in accordance with the principles and requirements set out under the Legal Professions Act.

7.0 Consent Resolution: Communications Committee

The transitional board and the transitional Indigenous council hereby ratify and authorize the establishment of the Communications Sub-Committee with the purpose of overseeing communications and stakeholder engagement on their behalf.

8.0 Policy (Broad)

A written response to the policy paper on General Policies for the Rules and Code of Conduct from the Legal Advisors to the Indigenous Council formed the basis for dialogue on this topic. The legal advisors to the Indigenous council introduced their written commentary to the transitional board and transitional Indigenous council. The response presented several questions and recommendations for consideration:

a. Should it be explicit in the draft policy that the Indigenous Council and their Legal Advisors are to be included in advising on and collaborating on all the rules, policies, and the Code of Conduct?
   Recommendation: Yes. This is to ensure regard for the Guiding Principles, to facilitate the Indigenous Council's role at ss. 30, 224, and 226, and to ensure coherence with DRIPA. It will also assist the Transitional Board in their s. 223 mandate to "prepare for and facilitate the transition from the operation of the former acts to the operation of (the LPA)" by building in a governance framework that has regard for the Guiding Principles.
   Direction: Adopted
b. Should the regulator have universal standards across licensees that include Indigenous considerations?
   Recommendation: Yes. This should include a minimum standard that has regard for the Guiding Principles and is developed with the Indigenous Council and their Legal Advisors. Considerations related to Indigenous peoples and their rights should be built into the make-up of an ethical, professional, and competent licensee.
   Direction: Adopted
c. Should the Model Code be used as a template for the new Code of Conduct?
   Recommendation: Yes. However, because the Model Code is limited on Indigenous content there will need to be regard for substantial redrafting of Indigenous-specific material throughout the commentaries and in new sections for coherence with the Guiding Principles and to facilitate the role of the

Indigenous Council.
Direction: Adopted

d. Should the Transitional Team, the Transitional Indigenous Council, and their support staff and advisors work together strategically to find solutions that brings in the Indigenous considerations without creating barriers for Indigenous peoples and their legal orders?
Recommendation: Yes. The co-drafters, Transitional Team, and Transitional Indigenous Council, should work together throughout to strategically create the rules, policies, and Code of Conduct to establish regulatory co-governance that follows the mandate of the LPA and DRIPA.
Direction: Adopted

9.0 Unauthorized Practice

A written response to the policy paper on Unauthorized Practice from the Legal Advisors to the Indigenous Council formed the basis for dialogue on this topic. The legal advisors to the Indigenous council introduced their written commentary to the transitional board and transitional Indigenous council. The response presented several recommendations for consideration:

a. Introduce a new exception under section 38 or, alternatively, recommend a regulation under section 212 permitting Indigenous communities or legal institutions to authorize legal practitioners within their own systems. This approach would favourably echo the intention, if not the implementation, of the First Nations and Inuit Policing Program (FNIPP), that seeks to bolster on-reserve policing with self-administered police service agreements and community tripartite agreements. Just as the FNIPP seeks to rebuild the trust of Indigenous peoples in policing services, recognizing and authorizing Indigenous legal orders and practitioners would be instrumental in building trust in the Canadian justice system. It would also meaningfully advance the mandate of s. 7 of the Act, which requires the new regulator to facilitating access to legal services: supporting reconciliation with Indigenous peoples and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples; (c) identifying, removing or preventing barriers to the practice of law in British Columbia that have a disproportionate impact on Indigenous persons and other persons belonging to groups that are underrepresented in the practice of law;
Direction: Subject to further consideration of a potential exception. It was agreed that more work and thinking is required to determine how best to implement this recommendation within the legislation or rules.

b. Codify a broad definition of "legal information" that protects culturally grounded communication of Indigenous legal concepts, including oral teachings and non-textual knowledge transmission. The transitional Indigenous council should be expressly empowered to define the cultural boundaries of such information provision.
   Direction: Adopted
c. Require that any enforcement action involving Indigenous communities or legal actors be reviewed in consultation with the Indigenous council or its delegate. Consider a rule under section 203 stipulating that harm to Indigenous legal autonomy must be considered in assessing "significant risk of harm to the public."
   Direction: Adopted
d. Include interpretive guidance clarifying that participation in Indigenous legal traditions, or processes authorized by Indigenous nations, is not, by itself, unauthorized practice. Include a carve-out stating that licensees are not required to report or interfere with culturally grounded Indigenous legal practices conducted under community sanction.
   Direction: This recommendation is subsumed under recommendation 'a'.
e. Add safeguards requiring consultation with the Indigenous council before public disclosure involving Indigenous persons. Adopt a policy of minimum disclosure pending resolution, and require cultural safety impact assessments prior to naming.
   Direction: Adopted

10.0 Custodianships

A written response to the policy paper on Custodianships from the Legal Advisors to the Indigenous Council formed the basis for dialogue on this topic. The legal advisors to the Indigenous council introduced their written commentary to the transitional board and transitional Indigenous council. The response presented several questions and recommendations for consideration:

Overall Direction: Rule indicating the regulator 'may' consult with the s.22 employee and Indigenous Council on a custodianship of an indigenous licensee or licensee with Indigenous clients

a. Should the Transitional Board and Transitional Indigenous Council create rules that require communication and transparency with clients and cooperation with the Custodianship process?
   Recommendation: Yes.

Direction: Refer to overall direction. Regulator 'may' consult with the s. 22 appointee as required.

b. Should there be rules that refer the matter to the Indigenous Council where an Indigenous licensee or a licensee with Indigenous clients is subject to a Custodianship order?
   Recommendation: Yes.
   Direction: Refer to overall direction. Regulator 'may' consult with the s. 22 appointee as required.
c. Should the regulator consider post amalgamation action to create guidance frameworks in consultation with the Indigenous Council on observing intercultural competency in regard to Custodianships?
   Recommendation: Yes.
   Direction: Refer to overall direction. Regulator 'may' consult with the s. 22 appointee as required.
d. Should there be a rule that permits the regulator to require succession planning for practices similar to succession plans required by the Society of Notaries?
   Recommendation: Yes. If a rule is created, there should be a sub-clause referring the matter to the Indigenous Council for guidance when the licensee is Indigenous or has Indigenous clients.
   Direction: Refer to overall direction. Regulator 'may' consult with the s. 22 appointee as required.
e. Should there be rules that prevent Custodians from acting to protect a client's interests?
   Recommendation: No. Custodians should be able to act to avoid a prejudicial effect on client files.
   Direction: Refer to overall direction. Regulator 'may' consult with the s. 22 appointee as required.
f. Should the Transitional Board and Transitional Indigenous Council decide whether to employ in-house Custodians for Custodianships?
   Recommendation: Yes.
    a. If the regulator does not have in-house Custodians there should be a referral program created with the Indigenous Council, employee under s. 22, and Indigenous navigators such as those employed by the Law Society Tribunal to facilitate access to competent legal services for Indigenous clients.
    b. If the Regulator goes to a model of "in-house" Custodians as the Law Society has done, there should be "in-house" Licensees who are experienced working with:
        i. Aboriginal Law,

ii. Indigenous legal orders and Indigenous legislation,
iii. Indigenous peoples in family and criminal law and the unique relationships Indigenous people have with those systems,
iv. Indigenous cultural competence,
v. Civil and Criminal procedural timelines, and
vi. any other experiences determined to be necessary upon further consultation with the Indigenous Council.

c. In either case, the regulator can have regard for the Guiding Principles, facilitate the role of the Indigenous Council, and adhere to DRIPA by referring the matter for inclusion of the Indigenous Council where an Indigenous Licensee has their practice subject to a Custodianship order or a practice with Indigenous clients is subject to a Custodianship order.
    i. As with the recommendation above, this should be supported by the employee appointed under s. 22, and by creating Indigenous navigators such as those employed by the Law Society of BC Tribunal.

Direction: Refer to overall direction. Regulator 'may' consult with the s. 22 appointee as required.

g. Should rules be drafted that have a duty to disclose potential misconduct or grounds for indemnification with clients?
Recommendation: Yes. This will uphold public confidence in the legal professions. This will also close the potential gap between the Code of Conduct binding licensees and the Board having non-licensee directors.
Direction: Refer to overall direction. Regulator 'may' consult with the s. 22 appointee as required.

11.0 Practice Advice

A written response to the policy paper on Practice Advice from the Legal Advisors to the Indigenous Council formed the basis for dialogue on this topic. The legal advisors to the Indigenous council introduced their written commentary to the transitional board and transitional Indigenous council. The response presented several recommendations for consideration:

a. Establish an Indigenous Practice Advisor role or team within LPBC with experience and/or training in Indigenous legal systems, and provide materials and educational opportunities in cultural competency and providing trauma-informed legal services to licensees. This advisory stream should be available to any licensee serving Indigenous clients.

Direction: Deferred – main policy regarding practice advisors is being revised.

b. The regulator should establish a permanent Practice Advice Advisory Panel with reserved Indigenous seats. This body would aid regulator staff in reviewing and shaping advice protocols and guidance notes that incorporate Indigenous legal orders.

   Direction: Not adopted

c. Any "trusted advisor" function performed by directors should be subject to
   a. Training in Indigenous cultural competency and protocols, as mandated by the *Legal Professions Act*, s.74(2);
   b. Written record of the interaction or advice given, anonymized to remove identifying information of the licensee receiving advice;
   c. Monitored to ensure equitable access across the profession; and
   d. Oversight by an advisory committee with Indigenous representation

   LPBC should also make clear that advice from directors is not privileged or authoritative and subject to the same limitations as the Practice Advisor program.

   Direction: Not adopted – board members will not perform "trusted advisor" function in the new regulatory body.

d. LPBC should explicitly extend confidentiality protections to all information gathered by practice advice providers and, when necessary, specifically to disclosures of Indigenous legal traditions that are community based and customary. This would encourage frank discussion between Indigenous licensees and advisors, including Indigenous legal traditions, and help normalize Indigenous legal reasoning within the profession.

   Direction: Adopted

e. The practice advice regime should document, maintain and provide advisory outcomes on request. Communications between licensees and advisors, including queries and advice given, should be confidential between the licensee and advisor and barred from use in disciplinary proceedings. This does not preclude the regulator gathering the same evidence through other means under the rules for Complaints and Investigations. Practitioners should be indemnified against disciplinary consequences for following in good faith advice given to them by advisors, subject to exceptions for wilful misconduct or ongoing harm.

   Measures directed specifically at Indigenous concerns should include:

   - Codify a confidentiality standard that recognizes cultural as well as professional concerns;
   - Permit anonymous or third-party facilitated advice queries;

- Extend confidentiality protections explicitly to culturally sensitive disclosures that accord with Indigenous law; and
- Ensure internal handling practices are consistent with Indigenous law confidentiality norms.

Direction: Request to soften the language of the last sentence starting, "Practitioners should be indemnified.."

h. The Practice Advice program should include Indigenous advisors who are familiar with Indigenous legal traditions and/or communities. All practice advisors should receive training on common Indigenous client issues, including challenges with legal literacy, trauma-informed communication, and systemic barriers to legal access. The practice advice mandate should be developed to include an explicit public interest impact lens that includes Indigenous communities.
Direction: Adopted policy statement in the first sentence. The rest of the paragraph speaks to operational guidance.

i. Develop a framework for the incorporation of Indigenous legal principles into the practice advice framework. This could include Indigenous-led guidance notes, advisory memoranda on Indigenous law contexts, and direct engagement with Indigenous knowledge holders in forming the substance of advice.
Direction: Adopted

12.0 Investigations

The Advisory Committee introduced the policy paper and led the discussion respecting investigations. The paper presented several questions for consideration:

a. Should there be a rule that permits the CEO to treat information received from any source that might indicate a licensee, trainee or law firm has committed a professional conduct violation or has practised law incompetently as a complaint?
Recommendation: Yes
Direction: Adopted

b. Should there be a rule to place limits or conditions on the CEO's exercise of section 78 entry and inspection power?
Recommendation: No
Direction: Adopted. It was noted that this direction may be impacted by the discussion and direction regarding Indigenous Recommendation 'c'.
    a. If yes, should the limits and conditions be enumerated in the rules?
    Recommendation: Yes
    b. If yes, what should those limits and conditions be?

Recommendation: Discuss the list provided an any options will be returned in a version 2 paper with further analysis.

c. Should there be a rule drafted that allows the CEO to dismiss a complaint following an investigation?
   Recommendation: Yes
   Direction: Rule as an interim measure, with a proposal to amend the LPA to address the matter on a permanent basis.
   a. If yes, what should those specific instances be?
      Recommendation: Similar circumstances to those provided by the current Notaries Society and Law Society rules
      Direction: Adopted
   b. If yes, should a complainant be allowed to access the complaints review process following a complaint dismissed post-investigation?
      Recommendation: Yes
      Direction: Adopted

Indigenous Recommendations

We recommended that rules be made under s. 84 of the Act in line with the following principles, with Indigenous Council consultation as mandated by s. 26, and that the Board and Indigenous Council commit to robustly implementing these rules.

a. With regard to the complaints process, we recommend establishing oral and written intake procedures, making available Indigenous language interpretation, accommodating Indigenous storytelling formats for statements, and trauma-informed interviewing. We also recommend encoding discretion to vary the process to accommodate individual circumstances, and for the accommodation to be documented.
   Direction: Deferred to October board meeting.
b. With regard to screening and investigation initiation, we recommend creating a standing screening and initiation committee with reserved Indigenous seats. The regulations should require recorded reasons for complaints dismissals and also for CEO-initiated investigations, with mandatory notification to the Indigenous Council for matters concerning Indigenous complainants or licensees. Decisions on such matters should be deferred until the Indigenous Council has been notified or the committee with its Indigenous seats filled is able to consider the matter.
   Direction: Not adopted
c. With respect to practice entry and observation protocols, we recommend imposing rule based limits and conditions on s. 78(1) powers whenever Indigenous places, things, or practices are subject to an investigation. The regulations must mandate

notice to the Indigenous Council, respect for community entry protocols to Indigenous spaces, and Indigenous supervision of inspections. It must be prohibited to observe Indigenous ceremonies unless the Indigenous Council confirms that the observation is permitted and protective conditions have been established
Direction: Deferred to the October board meeting.

Discussion of the remaining recommendations in the Investigations paper was deferred to the October board meeting.

13.0 Public Disclosure

Discussion of this topic was deferred to the October board meeting.

14.0 Licensing & Enrolment – Pathways to Licensure

Discussion of this topic was deferred to the October board meeting.

15.0 *In Camera* Session