SLR Board and Indigenous Council

Minutes of Meeting

Meeting Date: October 22, 2025

Meeting Time: 9:00

Meeting Type: Hybrid

Meeting Location: Society of Notaries Public of BC

Board Members in Attendance:

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

Indigenous Council Members in Attendance:

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

Advisory Committee Members in Attendance:

John Mayr
Josh Paterson, KC
Adam Whitcombe, 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	Kerryn Holt	COO, LSBC
Alexander Burton	Staff, LSBC	Lesley Small	Senior Director, LSBC
Brook Greenberg, KC	President, LSBC	Michael Lucas	Staff, LSBC
Carrie Robinson	Staff, LSBC	Michèle Ross	Bencher, LSBC
Claire Marchant	Staff, LSBC	Shanti Reda	Staff, LSBC
Derek LaCroix, KC	ED, LAPBC	Tara McPhail	CLO, LSBC
Jess F	CBABC	Terry Becker	Okanagan College

Name	Organization	Name	Organization
Kerry Simmons	CBABC	Thomas L. Spraggs	Bencher, LSBC

1.0 Welcome and Acknowledgements

The meeting was called to order at 9:03am.

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 September 17, 2025 meeting minutes were approved.

3.0 Update from the Project Director

The Cascadia Partners project director delivered a brief update on policy and rule development progress and process, as well as updates on activities of Communications and Hiring sub-committees.

Policy Paper Reviews

The process for the current Board meeting will be different than previous Board meetings, based on requests from the Transition Team. The co-drafters of the policy papers will present a summary of the paper and provide key issues and questions for discussion. The Board chair will then facilitate the discussion of the key issues amongst Transition Team members. The discussion will focus on guidance for policy updates and rules options, not seeking formal approval of recommendations.

4.0 Investigations

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

a. Initiation of an investigation – What situations, if any, should the CEO be allowed to treat information from any source as a complaint about potential professional misconduct or incompetence?
    - This topic was discussed at the previous board meeting on October 22, 2025, where it was noted that the CEO should be allowed to treat any and all information, regardless of source, as a complaint and initiate an investigation.
b. Limits and conditions for CEO entry and inspection without warrant – What circumstances, if any, should limits or conditions be placed on the CEO's use of the section 78 entry and inspection powers?

- This topic was discussed at the previous board meeting on October 22, 2025. At that time, it was discussed that the CEO should have limitless entry and inspection powers. However, it was noted that this approach differed from the recommendations put forth by the legal advisors to the Indigenous Council, which suggested that warrantless entry and seizure powers may not be culturally appropriate where Indigenous practitioners, places or items of sacred import are concerned.

c. Dismissal of a complaint post-investigation – Do you prefer to seek a legislative amendment, rely on statutory interpretation, or draft a rule to ensure CEO has this power?
    - This topic was discussed at the previous board meeting on October 22, 2025. It was noted by the Transition Team that the CEO should have the authority to dismiss a complaint following an investigation. It was acknowledged that this authority is currently missing from the legislation.
    - The Transition Team discussed that the best approach would be to establish a rule granting the CEO this power until a legislative amendment can be made to formally incorporate it into the Act.

The legal advisors to the Indigenous Council also presented discussion questions for consideration:

a. The risk of systemic bias is inescapable when a single decision-maker exercises discretion over the launch of investigations and dismissal of complaints and matters involving Indigenous peoples. These gatekeeping functions of the disciplinary process should be vested in a standing committee with reserved seats for Indigenous members.
    - There was broad discussion on interpretation of the Act and the specific roles of the Board and the Indigenous Council post amalgamation, and their respective involvements in operational matters.
    - The Transition Team did not express support for establishing a separate committee.

b. Indigenous legal tradition must be recognized in a constructive and substantive manner by the regulator. Indigenous law includes places, objects, and knowledge that are subject to traditional protocols that may result in conflict between Indigenous law and powers assumed by the regulator to enter Indigenous spaces and seize and retain Indigenous objects and records.
    - This issue is corollary to the previous issue and will be addressed through the draft rules.

c. As recognized by the IERM Task Force, Indigenous people in British Columbia are historically underserved by the profession owing to living in remote areas, language barriers, lack of cultural competence in the regulator, opaque and poorly understood processes, statistically worse outcomes and matters before the legal system, lack of trust in the legal system, lack of resources and low numbers of Indigenous legal professionals. In this context, it is noted that disciplinary actions against Indigenous licensees or licensees serving Indigenous clients can have a disproportionate impact on Indigenous clients and communities. Processes involving Indigenous complainants may require alternative steps to resolution that accommodate unique circumstances of Indigenous peoples and communities, particularly regarding intake, giving evidence, and providing notice. And lastly, developing trust in the regulator and legal system by Indigenous peoples will require implementing the IRM Task Force report recommendations fully and openly, taking all measures necessary.
    - The Transition Team indicated they would like to see these issues addressed in a first draft of the rules.

5.0 Public Disclosure

The policy drafters introduced the policy paper and led the discussion respecting public disclosure. The paper presented a question for consideration:

a. Do you prefer prescriptive rules or permissive rules for public disclosure of certain information when in the public interest?
    - The Transition Team discussed a hybrid approach to public disclosure that would allow for both permissive and prescriptive rules, and the need to provide examples outlining when each approach would apply.

The legal advisors to the Indigenous Council also presented discussion questions for consideration:

a. Should the regulator consider the unique circumstances of Indigenous communities and the historical impacts of lack of access to legal services on Indigenous peoples when drafting rules around public disclosure?
    - The Transition Team suggested that research be conducted to examine how other jurisdictions are approaching this issue.
b. Should the regulator adopt a granular levels-based approach to public disclosure that maintains confidentiality in matters that are pending or minor and increases disclosure as matters become more determinate or serious or should the regulator adopt a simpler approach based on broad public disclosure?

- The Transition Team discussed public disclosure, including provisions outlined in section 85 of the Act.

6.0 Pathways to Licensure

The policy drafters introduced the policy paper and led the discussion respecting pathways to licensure. The paper presented several questions for consideration:

a. Current existing pathways – How should we approach the question of recognizing existing pathways to licensure for lawyers and notaries for amalgamation date?
   - This question was discussed in conjunction with question C from the legal advisors to the Indigenous Council, presented below.
   - It was acknowledged that existing licensing pathways for lawyers and notaries should be maintained in the single legal regulator to protect the interests of prospective licensees currently progressing through the requirements.
b. Opportunities to standardize
   Education, training, experience and other qualifications
   i. What are your thoughts on the different standards to experiential training time between lawyers and notaries?
      - The Transition Team discussed that it would likely not be feasible for notaries to match the current experiential training period required for lawyers, given the limited availability of notaries willing to take on students.
c. Alternative pathways
   - This topic was discussed in conjunction with question C from the legal advisors to the Indigenous Council, presented below.
d. Trainee-specific considerations
   Re-enrolment:
   a. What are your thoughts on a more flexible approach to re-enrolment (i.e., more time allowed, multiple exam attempts)?
      - The Transition Team discussed providing a flexible approach to re-enrolment.
      - It was suggested that reconsidering the order of requirements so that candidates may complete PLTC prior to articling may lower barriers to entering the profession.
e. Limited practice licensees
   a. In what way can the use of limited practice licenses be shaped to serve the needs of licensees and the public?

        - This question was discussed in conjunction with question E from the legal advisors to the Indigenous Council, presented below.
        - The Transition Team discussed leveraging limited practice licenses to increase access to legal services across the province by licensing individuals to practice in specific areas rather than across the full scope of law.

f. Non-practicing licenses
    a. What do you think about the use of time as a measure of competency in assessing return to practice?
        - The Transition Team discussed adopting a permissive rule for individuals returning to practice.

g. Returning to the profession

    Cancelled license:
    a. How should we approach decisions about whether and when someone can reapply for a license after a cancellation?
        - The Transition Team discussed restricting individuals with cancelled licenses from immediately reapplying and asked the drafting team to consider appropriate time periods before reapplication would be permitted.
        - The Transition Team discussed individuals whose licenses have been cancelled and their eligibility to apply for a different type of license (e.g., a disbarred lawyer applying to become a licensed paralegal).

    Former judge / associate judge:
    a. How should we balance the need to protect the public from the perception of bias or influence of a former judge/associate judge returning to practice against the need for more experienced legal professionals to serve the public?
        - The Transition Team discussed return-to-practice timelines for provincially and federally appointed judges, as well as requirements for those seeking to act as mediators.

h. Limits and conditions on a licence
    a. What are your thoughts on the use of limits or conditions on a license?
        - The Transition Team discussed the need for a permissive rule allowing limits and conditions to be placed on licenses, and how those limits are disclosed to the public.

The legal advisors to the Indigenous Council also presented discussion questions for consideration:

a. Should the rules refer an Indigenous person's application for entry into the profession as a matter for collaboration with the Indigenous Council?
    - The Transition Team indicated they would like to review and consider a draft of this rule.
b. Should the rules empower the Indigenous Council to direct Indigenous and Aboriginal law learning materials on the pathways to licensure, tailored to each class of licensee?
    - The Transition Team noted that the Indigenous Council should provide direction on Indigenous and Aboriginal law learning materials, but that developing and administering the course(s) would fall outside of their purview.
c. Should the rules require that the regulator "must implement" alternative pathways to licensure, based on previous recommendations and research?
    - The Transition Team discussed the known issues and concerns with current licensing pathways (status quo) as well as establishing alternative licensing pathways.
    - Concern was expressed about what is required to establish an operational regulator by the amalgamation date of January 1, 2027, and the need to prioritize a limited number of critical items necessary to ensure full functionality by that date.
    - Concern was also raised about establishing rules that may limit the discretion of the future Board, particularly since any such rules could simply be repealed by that Board.
    - The Transition Team indicated they would like to review and consider potential options for a draft version of a rule.
d. Should "Suitability" to practice law do away with intangible standards for suitability and instead codify grounds for disqualification based on suitability?
    - The Transition Team discussed developing a general list of factors or concerns to consider when determining suitability, rather than prescribing a specific list of offences that would automatically result in disqualification.
    - Concern was expressed about the potential for an excessive number of rules. It was noted that the current LSBC Code Rules have accompanying commentary to support interpretation. Using commentary or developing a policy paper to accompany the rules could help prevent the creation of an overly lengthy set of rules.
e. Should the rules permit the decision maker to authorize flexible acceptance into the profession and authorize entry into the profession with limited licenses?

- The Transition Team expressed interest in exploring limited licenses to facilitate entry into the profession and enable lawyers to practice within areas of specific training and qualification.

f. Should the rules permit the regulator to authorize part-time or flexible options in the experiential portions of the pathways to licensure?
   - This question was discussed in conjunction with the questions above, presented by the Advisory Committee, related to Opportunities to Standardize – Education, training, experience, and other qualifications.

g. Should the rules for re-entry into the practice be codified, or determined on a case-by-case basis?
   - This question was discussed in conjunction with the questions above, presented by the Advisory Committee, related to Returning to the Profession – Cancelled License.

7.0 Continuing Competence and Education

The policy drafters introduced the policy paper and led the discussion respecting continuing competence and education. The paper presented several questions for consideration:

a. Continuing competence and education – What are your thoughts on mandatory annual CPD requirements?
   - It was acknowledged that CPD should continue to be mandatory and that the requirements should be consistent across all classes of licensees.

b. Mandatory course for first year licensees – What are your views on a similar idea of a mandatory course for first year licensees for lawyers and regulated paralegals?
   - The Transition Team discussed mandatory courses for first year licensees. There was not support for establishing a mandatory course for lawyers.

The legal advisors to the Indigenous Council also presented discussion questions for consideration:

a. Should the rules refer the Indigenous Cultural Competency training to the Indigenous Council for their direction, with the power to tailor learning materials to each class of licensee?
   - The Transition Team discussed extending the existing Indigenous cultural competency training required for lawyers to all licensees.
   - The Transition Team discussed whether the Act establishes the Indigenous Council's authority over Indigenous learning, and if a related rule would be redundant. It was noted that while the Act references Indigenous cultural

competency requirements, it does not expressly refer these to the Indigenous Council's oversight.

- The Transition Team acknowledged that the Indigenous Council should be empowered to provide direction on the content of the course or training, while developing and delivering the course would be outside of their capacity.

b. Should the rules require the regulator to provide free options for Continued Professional Development courses?
   - This question was discussed in conjunction with question A, presented above by the Advisory Committee, related to Continuing Competence and Education.
   - It was noted that any discussion about the regulator potentially providing CPD courses directly to licensees would need to include the BC branch of Canadian Bar Association and other Continuing Legal Education (CLE) providers.

c. Should the rules require a practice management course be completed in similar circumstances to the Law Society of BC?
   - It was discussed that courses currently required by LSBC for certain licensees (e.g., Practice Management course) should continue to be required under the same circumstances by the new regulator.

8.0 Business Structures

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

9.0 *In Camera* Session