SLR Board and Indigenous Council

Minutes of Meeting

Meeting Date: November 19, 2025

Meeting Time: 9:00

Meeting Type: Hybrid

Meeting Location: Society of Notaries Public 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	Legislative Counsel
Jared Friedman	Project Management
Lindsey Ogilvie	Project Management
Maddie Holm-Porter	Project Support

Observers:

Name	Organization	Name	Organization
Alan Treleaven	Director, SNPBC	Kerryn Holt	COO, LSBC
Brook Greenberg, KC	President, LSBC	Leanne Wood	Staff, LIF
Carrie Robinson	Staff, LSBC	Michael Welsh	Staff, LSBC
Claire Marchant	Staff, LSBC	Michael Mulhern	Staff, LIF
Derek LaCroix, KC	ED, LAPBC	Michèle Ross	Bencher, LSBC
James Legh	Bencher, LSBC	Shanti Reda	Staff, LSBC
Jeannette McPhee	CFO, LSBC	Sherry Small	Staff, LSBC
Joyce Johner	Staff, LSBC	Su Forbes	COO, LIF

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 October 22, 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 the Communications and Hiring sub-committees.

It was noted that the Hiring Committee will oversee the hiring process for two positions: a Transition Manager, who will become the first CEO of LPBC (per s. 223 & 231), and a Tribunal Chair, who will develop the first tribunal rules (per s. 227 & 234).

4.0 Update on Regulated Paralegal Working Group

The Chair provided an update on the Regulated Paralegal Working Group's progress in developing a scope of practice for regulated paralegals.

Policy Paper Reviews

The co-drafters of the policy papers presented a summary of each paper and provided key issues and questions for discussion. The Board chair facilitated the discussion of the key issues amongst Transition Team members. The discussion focused on guidance for policy updates and rules options, not formal approval of recommendations.

5.0 Licensing & Enrolment – Business Structure

The Legislative Counsel introduced the policy paper and led the discussion respecting business structures. The paper presented several questions for consideration:

a. Law firms – What are your thoughts on continuing or expanding the requirement to register a law firm?
    - The Transition Team discussed maintaining existing requirements for registering a law firm to ensure consistency post-amalgamation.
b. Law corporations – Do you prefer to address the permitting process for law corporations through rules or a policy?

- The Transition Team acknowledged the need to provide clarity to all professions on permitting requirements and processes, including clear guidance for legal clinics and not-for-profit lawyers.

c. Limited liability partnerships – Do you prefer to address the permitting process for limited liability partnerships through rules or a policy?
    - This question was addressed in discussion of previous questions.
d. Alternative business structures – How should we approach the question of permitting alternative business structures for amalgamation date?
    - This question was discussed in conjunction with question 'B' below, posed by the legal advisors to the Indigenous Council.
    - The Transition Team discussed establishing a process for permitting alternative business structures on a case-by-case basis.

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

a. Should the rules allow Law Firms, Limited Liability Partnerships, and Alternative Business Structures to practice law through the same persons as Law Corporations?
    - This question was presented but not discussed.
b. Should the rules allow the decision-maker to authorize Alternative Business Structures on a case-by-case basis, potentially including structures in Canadian or BC Laws made by Indigenous governments or Indigenous persons?
    - This question was discussed in conjunction with question 'D' above, presented by the Legislative Counsel.
c. If the decision-maker is empowered to authorize Alternative Business Structures, should the rules refer the matter for collaboration with the Indigenous Council when an Alternative Business Structure is proposed to facilitate access to services for Indigenous peoples, implement UNDRIP to promote Reconciliation, or to remove barriers for Indigenous people to enter the practice?
    - Discussion of this question topic was deferred.

6.0 Discipline

The Advisory Committee introduced the policy paper and led the discussion respecting discipline:

- It was noted that the process for selecting members to the Discipline Committee will be discussed as part of a separate policy paper on Committees and Appointments.

- The Transition Team discussed the size of the Discipline Committee, with general support for 11 members, including the Chair.
- The Transition Team also discussed the term of Discipline Committee members, with general support for two year terms, with up to two term renewals (for a total of 6 years). The Transition Team also discussed a staggered renewal schedule to minimize annual turnover of members.
- The Transition Team acknowledged that the Act requires the Discipline Committee to include at least one Indigenous person, who may be a licensee or a member of the public (s. 89). The Transition Team expressed general support for the Discipline Committee to include no less than two Indigenous members, to ensure appropriate representation.

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

a. Discipline Committee panels (s. 89) – The Discipline Committee must ensure an Indigenous representative on any panel considering a matter involving an Indigenous practitioner or Indigenous complainants include at least one Indigenous member.
    - The Transition Team discussed the ability of the Chair of the Discipline Committee to appoint panels for the review of citations (s. 89(5)) and the inclusion of an Indigenous member on these panels when the citation being considered concerns an Indigenous licensee, firm, or complainant.
b. Culturally competent interim orders (s. 85) - Should the rules require that the CEO inform the Indigenous council when issuing a s. 85 interim order suspending an Indigenous licensee or ordering a medical examination of an Indigenous licensee and provide written proportionality reasons that record how culturally-responsive, restorative, and non-medical supports were considered?
    - Discussion of this question was deferred.
c. Should the rules provide that when a professional conduct order is issued in a matter involving an Indigenous licensee or materially affecting an Indigenous community, the CEO should take the following steps? Inform the Indigenous council prepare brief written reasons for addressing cultural context and proportionality; and publish periodic summaries to support consistency and public confidence?
    - Discussion of this question was deferred.
d. Equity-based fines (s. 87) – Should the rules require the CEO to consider ability to pay, practice context, and community impact before imposing monetary penalties, particularly against Indigenous licensees, with reasons required showing how the sanction protects the public without exacerbating historic disparities?

- The Transition Team discussed whether the rules should require the CEO to consider ability to pay, practice context, and community impact before imposing monetary penalties, particularly where an Indigenous licensee is concerned.
- Concern was raised about establishing rules that regulate the staff of the legal regulator, rather than the licensees themselves.
- The Transition Team indicated they would consider this topic further when reviewing the draft rules.

e. The regulator should treat Elder-guided undertakings, circles, community service benefiting affected Indigenous communities, and supported practice arrangements as "other actions" under s 87(1)(f). Where Indigenous clients are affected, include Indigenous cultural competency training as a remedial program condition.
    - The Transition Team discussed whether this issue should be addressed directly in the rules or through supporting policy and guidance.

f. Medical / counselling orders (s. 88) – Should the rules provide that, when ordering treatment or counselling for an Indigenous practitioner, the CEO's reasons should explain why non-medical supports, such as mentoring by a more senior Indigenous licensee, guidance by an Elder, or other supported practice arrangements were deemed insufficient?
    - The Transition Team indicated they would consider this topic further when reviewing the draft rules.

g. Citations (s. 90) – Should the rules require that, when submitting a citation that involves an Indigenous licensee, a licensee serving primarily Indigenous clients, or an Indigenous client, the CEO should also inform the Indigenous council or its delegate, to ensure that a citation is a warranted and appropriate response in the context of the matter?
    - The Transition Team indicated they would consider this topic further when reviewing the draft rules.

h. Review of prior disciplinary records (s. 93) – When a matter involves an Indigenous licensee, should the CEO consider prior findings in their context, including verifying that earlier processes included cultural competence, and give reasons for how the use of prior records in the matter balances cultural competence, fairness and the public interest?
    - The Transition Team indicated they would consider this topic further when reviewing the draft rules.

i. Publication practices (s. 94) – It was suggested that the regulator should:
    i. Defer publication of information regarding investigations until the outcome of matters being investigated have been determined; and

ii. Publish anonymized disaggregated data on complaints, interim orders, citations, and outcomes for Indigenous practitioners, together with annual reporting on the use and outcomes of Indigenous-informed alternative resolutions, balancing the public interest with culturally competent processes for Indigenous licensees and clients.
    - The Transition Team indicated they would consider this topic further when reviewing the draft rules.

j. Should the regulator defer publication of citations until a panel screening or reasons are prepared to provide context?
    - The Transition Team indicated they would consider this topic further when reviewing the draft rules.

k. Disciplinary rules designed for public confidence (s. 94) – The regulator should build public confidence in its processes by designing operational aspects of disciplinary procedures that treat users with dignity and prioritize intelligibility, accessibility, and accountability to the public, particularly Indigenous publics who have been historically underserved.
    - The Transition Team indicated they would consider this topic further when reviewing the draft rules.

7.0 Discipline – Alternative Resolutions

The Transition Team requested that the Alternative Resolutions paper be revised to consider the Law Society's current alternative resolution process, which has recently been updated, identifying any potential enhancements to or remaining gaps in the existing process.

8.0 Discipline – Practice Reviews

The Advisory Committee and legal advisors to the Indigenous Council introduced the policy paper and led the discussion respecting practice reviews. The paper presented several questions for consideration:

a. Rules created by the Board under 74(3)(b) authorizing the CEO to conduct practice reviews should require the CEO to consult with the Indigenous Council, or its delegate, when conducting a practice review of an Indigenous licensee, to ensure that the recommendations of the IERM report are being met.
b. Rules made by the Board under section 74(3)(b) of the Act, authorizing the CEO to conduct practice reviews, should require the CEO, when conducting a practice review of an Indigenous licensee or practice, to prepare a written practice review plan that considers the risk of the review requirements on the public interest and Indigenous clients and is tailored to the unique context of the Indigenous practice.

c. Before seeking costs for practice reviews against an Indigenous or substantially Indigenous-serving practice, the CEO should assess the practice's ability to pay and the potential community impact of issuing a cost order.
d. When conducting a review of an Indigenous or substantially Indigenous-serving practice, at least one of the assessors must be Indigenous.
e. The rules provide that the CEO is authorized to direct the conduct of practice reviews in accordance with the requirements set out in sections 73 and 74 of the Act.

The Transition Team indicated they would consider these topics further when reviewing the draft rules.

9.0 General Policy – Privilege

The Legislative Counsel introduced the policy paper and led the discussion respecting privilege. The paper presented a question for consideration:

a. What are your thoughts on approaching the rules, Code of Conduct, and policy drafting under the presumption that privilege applies to notaries public and regulated paralegals after the amalgamation date?
    - The Transition Team expressed general support for extending privilege to notaries and paralegals.
    - It was noted that extending privilege to notaries would create conflicts with current FINTRAC reporting requirements.
    - It was also noted that any decision to exempt notaries and regulated paralegals from FINTRAC reporting requirements rests with the courts.

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

a. The Transitional Team and drafters should ensure that rules that permit the disclosure of privileged material to the regulator intentionally serve a prescribed purpose for the public interest (such as an investigation).
    - The Transition Team discussed whether this issue is already addressed within the Act.
b. When the topic of fees and agreements is revisited, should there be direction to create rules that require telling clients in the retainer or at the first meeting that their information could be ordered to be disclosed to the regulator, and that it is an offence for anyone to use and deliberately disclose confidential information contrary to s. 209?

- The Transition Team did not express support for establishing a rule requiring licensees to tell clients in a retainer or at the first meeting that their information could be disclosed to the regulator.

c. Should the rules require licensees to notify clients in writing when their confidential information has been disclosed to a third party in breach of the licensee's obligation to maintain privilege?
    - The Transition Team discussed that licensees may already have a duty to notify clients when their confidential information has been inadvertently disclosed to a third party under the provisions in Section 7.8 of the Code, related to informing the client of errors or omissions.

d. Should the rules require licensees to notify clients in writing when their confidential information will be disclosed to the regulator as part of an investigation?
    a. As this is not a breach under s. 209 it will not be captured under question b. above and should only be a notification and not an option to allow the client to decline the disclosure, so that the regulator can serve its regulatory purpose.
        - The Transition Team noted that establishing this rule may place licensees in a challenging position, caught between their duty to maintain privilege for their clients and their obligation to provide information to the regulator.
        - The Transition Team indicated they would consider this topic further when reviewing the draft rules.

e. Given that Indigenous peoples have unique relationships to their confidential information and their legal services providers, should the rules permit the regulator to consult with or receive guidance from the Indigenous Council or their delegated person, on navigating the disclosure of an Indigenous person's confidential material with cultural competency?
    - The Transition Team indicated they would consider this topic further when reviewing the draft rules.

10.0 Independence of Licensees

The Advisory Committee and legal advisors to the Indigenous Council introduced the policy paper on independence of licensees.

11.0 Drafting Guidelines

The Legislative Counsel introduced the guidelines for drafting the first rules and Code of Conduct of the single legal regulator.

12.0 *In Camera* Session