LPBC Transitional Board and Transitional Indigenous Council

Joint Meeting

Agenda

Meeting Date: January 12, 2026

Meeting Time: 9:00 AM – 4:00 PM PST

Meeting Location: Law Foundation of BC: 675 Hastings St. W, Vancouver, BC V6B 1N2

Attendees:

Board Members

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

Indigenous Council Members

John Borrows	Andrea Hilland KC
Christina J. Cook KC	Carly Teillet

Advisory Committee Members

Paul Craven	Josh Paterson KC
John Mayr	Adam Whitcombe KC

Participants and Attendees:

Michael Johnston	Legal Advisor to the Indigenous Council
Jaxxen Wylie	Legal Advisor to the Indigenous Council
Cary Ann Moore	Legislative Counsel
Jamie Maclaren KC	Legal Advisor to the BC Paralegal Association
Jared Friedman	Project Management
Lindsey Ogilvie	Project Management
Maddie Holm-Porter	Project Support

#	Discussion Points	Lead	Est. Start Time	Est. Time	Materials
1	Welcome and Acknowledgements	Board Chair	9:00AM	5 min	
	Consent Agenda				
2	December 10, 2025 Meeting Minutes	Board Chair	9:05AM	5 min	Draft Minutes
	Updates				
3	Update from the Project Director	Project Director	9:10AM	10 min	
	Discussion/Decision				
4	Fees for Legal Services	Cary Ann Moore Indigenous Council	9:20AM	70 min	Policy Paper
	Break		10:30AM	20 min	
5	Rules – Draft Table of Contents	Cary Ann Moore	10:50AM	40 min	Draft Table of Contents
6	Work Plan – Timeline Options	Project Director	11:30AM	30 min	Briefing Note
	Lunch		12:00PM	60 min	
7	***In-Camera*** *(Transitional Board and Transitional Indigenous Council only)*		1:00PM		

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SLR Board and Indigenous Council

Minutes of Meeting

Meeting Date: December 10, 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
Regrets: 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 Advisor to the Indigenous Council
Jaxxen Wylie	Legal Advisor to the Indigenous Council
Cary Ann Moore	Legislative Counsel
Jamie Maclaren KC	Legal Advisor to the BC Paralegal Association
Jared Friedman	Project Management
Lindsey Ogilvie	Project Management
Maddie Holm-Porter	Project Support

Observers:

Name	Organization	Name	Organization
Alan Treleaven	Director, SNPBC	Lesley Small	Senior Director, LSBC
Avalon Bourne	Staff, LSBC	Michael Lucas KC	Staff, LSBC
Barbara Buchanan KC	Staff, LSBC	Michael Mulhern	Staff, LIF
Brook Greenberg, KC	President, LSBC	Michèle Ross	Bencher, LSBC
Claire Marchant	Co-ED, LSBC	Shanti Reda	Staff, LSBC
Derek LaCroix KC	Co-ED, LAPBC	Sherry Small	Staff, LSBC

Name	Organization	Name	Organization
Gigi Chen-Kuo	CEO, LSBC	Su Forbes KC	COO, LIF
Jeanette McPhee	CFO, LSBC	Thomas Spraggs KC	Bencher, LSBC
Kerry Simmons KC	ED, CBABC		

1.0 Welcome and Acknowledgements

The meeting was called to order at 9:05am.

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 November 19, 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. Additionally, the project director provided an update on the progress of the government's regulated paralegal working group.

4.0 Update on Transition Team Cost Report

The Chair provided an update on the costs to-date of the Transition Team, as of September 2025.

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 Governance – General

The Advisory Committee introduced the policy paper and led the discussion respecting director elections and appointments. Several topics were presented for consideration:

a. Election of the Chair
    - The Transition Team discussed the process of electing the board Chair, including whether a simple majority or a higher threshold should be required.
    - The Transition Team indicated they would consider this topic further when reviewing the draft rules.

- The potential need for governance rules for the Transitional Board was also raised for consideration

b. Eligibility to Chair
    - The Transition Team discussed whether all members of the board would be eligible to serve as Board Chair.
    - The Transition Team expressed general support for broad eligibility but will consider this topic further when reviewing the draft rules.
c. Term of the Chair
    - The Transition Team discussed the appropriate term length for the Board Chair.
    - They expressed general support for a one-year term, with the option to extend for an additional year with board approval (maximum two years). This model is currently used by the Law Society of Ontario.
    - The Transition Team also discussed the possibility of establishing a Vice Chair role or implementing a leadership ladder system.
d. Duties & Responsibilities of the Chair
    - The Transition Team expressed general support for detailing the duties and responsibilities of the Chair in a supporting policy / position description rather than in the rules themselves.
e. Oath of Office & Code of Conduct
    - The Transition Team expressed general support for establishing the Oath of Office later in the transition period.

6.0 Governance – Director Elections & Appointments

The Advisory Committee introduced the policy paper and led the discussion respecting director elections and appointments. Several topics were presented for consideration:

a. Regional Elections
    - The Transition Team discussed establishing regional elections for the five elected board positions for lawyers.
    - It was noted that, with only five elected positions, it would be challenging to achieve meaningful regional representation across the province.
    - The Transition Team emphasized the importance of ensuring representation for rural public and licensees through alternate mechanisms if regional representation is not adopted.
    - The Transition Team discussed the Law Society of New South Wales model in Australia, which elects members based on industry sector (e.g., corporate,

government) and demographic (e.g., rural, city) categories, in addition to assessing candidates against a comprehensive skills matrix.
    - It was noted that regional elections are not practical for notaries public and regulated paralegals, as each group will only have 2 elected directors.

b. Term of Office
    - The Transition Team expressed general support for two year terms for board members, with up to two term renewals (for a maximum of 6 years).
    - The Team also expressed support for staggering terms to minimize annual turnover of board members.

c. Staggering Terms
    - The Transition Team expressed general support for staggering terms to minimize annual turnover of board members.

d. Qualifications
    - In terms of qualifications for candidates seeking election to the Board, the Transition Team expressed general support for establishing eligibility requirements beyond being in "good standing," and indicated they would consider this topic further when reviewing the draft rules.

e. Voting in Elections
    - The Transition Team expressed general support for broad / unrestricted voting rights.
    - The Transition Team discussed the possibility of allowing articling students to vote in elections and other mechanisms to capture and reflect the student voice.

7.0 Governance – Committees & Task Forces

The Advisory Committee introduced the policy paper and led the discussion respecting committees and task forces. Several topics were presented for consideration:

a. Executive Committee
    - It was noted that the Act does not require the establishment of an Executive Committee. However, if the Board chooses to establish one, it's composition is set out in the Act, in section 10(2).
    - The Transition Team expressed general support for establishing an Executive Committee.
    - It was also noted that the Executive Committee should include at least one Indigenous member to ensure appropriate Indigenous representation.

b. Finance & Audit Committee

- The Transition Team expressed general support for establishing a Finance & Audit Committee.

c. Governance Committee
    - The Transition Team expressed general support for establishing a Governance Committee on an as-needed basis rather than as a standing committee.

d. Nominating Committee
    - The Transition Team expressed general support for establishing a Nominating Committee for the purpose of identifying and vetting candidates for election and appointment, where the committee includes members that are not sitting directors.
    - The Transition Team emphasized the need to ensure that the Nominating Committee function in a way that reduces barriers, consistent with the guiding principles of the Act outlined in Section 7.

8.0 Trust Accounts

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

a. What are your thoughts regarding prescriptive and outcome-focused approaches to rules drafting respecting trust accounting and related rules?
    - The Transition Team expressed general support for a hybrid approach to drafting, incorporating both prescriptive and outcome-focused approaches where appropriate.

b. What are your thoughts on standardizing the professional responsibility obligations across the legal professions for trust accounting and related rules?
    - The Transition Team expressed general support for standardizing the professional responsibility obligations for trust accounting and related rules across legal professions.

c. What are your thoughts on regulating law firms in respect to the trust accounting and related rules?
    - The Transition Team expressed general support for regulating law firms in respect to the trust accounting and related rules.

d. What are your thoughts on whether law firm regulation for trust accounting purposes should require permits, and if so, are permits required for amalgamation date?
    - The Transition Team indicated they would revisit the topic of requiring permits for trust accounts post-amalgamation.

e. Is there any additional information that should be included in the drafting notes for the proposed draft rules on trust accounting and related topics?
    - The Transition Team expressed support for the inclusion of drafting notes for the proposed draft rules on trust accounting and related topics.
f. What are your thoughts on allowing licensees to pay unclaimed trust funds to the regulator based on a time requirement?
    - The Transition Team expressed general support for licensees to pay unclaimed trust funds to the regulator and indicated they would consider time requirements when reviewing the draft rules.
    - The Transition Team also discussed including a disclaimer in retainer agreements to inform clients that unclaimed trust funds will be paid to the regulator.
g. If there is a time limit, what are your thoughts on allowing licensees to pay unclaimed trust funds to the regulator based on the licensee's demonstration that the client is not going to claim the funds?
    - This question was addressed in discussion of the previous question.
h. What are your thoughts on requesting an amendment to sections 169 and 171(3)(h) of the Legal Professions Act, to amend the reporting requirements for "shortages" in a trust account?
    - The Transition Team expressed support for seeking a legislative amendment to sections 169 and 171(3)(h) of the Legal Professions Act, to amend the language of "overdrawn" to "shortage" and to consider removing "pooled" from the requirement so that it pertains to all trust accounts, including separate and pooled.
i. What are your thoughts on a mandatory requirement for licensees to eliminate a trust shortage in a trust account?
    - The Transition Team expressed support for a mandatory requirement for licensees to eliminate a trust shortage in a trust account.

9.0 Update on Federation of Law Societies

The Advisory Committee provided a summary of the response from the Federation of Law Societies regarding mobility rules.

10.0 *In Camera* Session

Transitional Board and Transitional Indigenous Council

Fees for Legal Services – Policy Report

To:	**Transitional Board** **Transitional Indigenous Council**
Purpose:	**Discussion**
Date:	**January 12, 2026**
Version:	**V1**

I. Background

1. The topic of fees for legal services includes agreements for legal services (including retainer and fee for service agreements), contingent fee agreements ("CFA"), fees and charges, and bills. This is a complicated topic with jurisdictional overlap, including the role of the regulator, the role of the courts, the impact of contract law, and the purpose of the regulator's rules and code of professional conduct.

2. The Law Society operates under the current *Legal Profession Act*, which sets out similar provisions to the new *Legal Professions Act* for fees for legal services, with an examination of an agreement or a review of a bill being performed by the registrar at the BC Supreme Court. The Law Society Rules include rules requiring that a lawyer charges reasonable remuneration for legal services, maximum remuneration for personal injury actions, the form and content of all CFAs, and a requirement to include certain statements from the rules within a CFA for personal injury actions.[1]

3. In addition, the Law Society's *Code of Professional Conduct for British Columbia* has section 3.6 on fees and disbursements, which includes rules and commentaries on reasonable fees and disbursements (including factors to assist in assessing what are fair and reasonable fees), contingent fees and contingent fee agreements, requirements for a statement of account, how to treat joint retainer fees, several rules respecting fee splitting and referral fees, exceptions to the fee splitting rules for multi-disciplinary practices, payment and appropriation of funds, and prepaid legal services plan.[2]

4. The Notaries Society conducts its fee review through a standing taxation committee,[3] which comprises the Society's president and chairs of the finance committee and discipline committee. The taxation committee investigates complaints of excessive notarial fees charged by notaries public, and its decisions are final and binding on all members.[4]

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[1] Law Society Rules, Part 8 – Lawyers' Fees, Rules 8-1 to 8-4.

[2] Law Society of BC, *Code of Professional Conduct for British Columbia*, Section 3.6 - Fees and Disbursements.

[3] Notaries Society By-Laws, By-law 8.02.

[4] Notaries Society By-Laws, By-law 8.17.

5. Like the Law Society, the Notaries Society establishes in its *Principles and Guidelines for Ethical and Professional Conduct* requirements including not profiting from a transaction or document apart from receiving a fee for the legal service; fees must be fair, reasonable and fully disclosed to the client; and a notary must not be put in a financial position that interferes with their loyalty to the client.[5] The *Principles and Guidelines for Ethical and Professional Conduct* also provide guidance on factors that help to determine a fair and reasonable fee.[6]

II. Alignment to the Act

6. Part 13 of the *Legal Professions Act* addresses fees for legal services. This section will provide an overview of some of the key provisions, as others relate to the court's requirements for conducting a review of an agreement or bill.

7. Section 174(1) to (3) permits a licensee or law firm to enter into an agreement for legal services with any other person, despite any law or usage to the contrary, and the agreement may be signed on behalf of the licensee by an authorized agent who is also a practising licensee. Subsection (4) makes a provision void if the provision limits the licensee's or law firm's negligence, or if the licensee is relieved from any responsibility that would otherwise apply. In essence, subsection (4) prevents legal professionals from limiting their own liability for negligence or other responsibilities as legal professionals, even with the agreement of the client.

8. Section 175 addresses CFAs, with the section establishing that a CFA that exceeds the limits as established in the rules is void, unless the court has approved that amount on application of the licensee or law firm prior to entering into the CFA and with serving the client at least 5 days' notice of the application. The court may grant an amount in a CFA higher than an amount established by the rules if the client and licensee or law firm agree, and the court is satisfied that the proposed amount is reasonable.

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[5] Society of Notaries Public of BC, *Principles and Guidelines for Ethical and Professional Conduct*, Section 8 ("*Notaries Society Principles*").

[6] *Notaries Society Principles*, Commentary 8.3.

9. Section 176 sets out restrictions on CFAs, including that a licensee or law firm, through a CFA, must not receive both a fee based on the proportion recovered and a portion of the amount awarded or paid as costs in a proceeding or anticipated proceeding. Subsection (3) establishes that CFAs are void for matters including guardianship or custody of a child, parenting time, contact with or access to a child, or a matrimonial dispute. However, a licensee or law firm may apply to the court for approval of a CFA for a matrimonial dispute, with the same requirements on applications to the court for approval of a CFA as set out in section 175. Licensees and law firms must also meet any additional conditions as established by the rules.

10. Section 177 permits a person to apply to the registrar to have an agreement (including but not limited to a CFA) reviewed no later than 3 months after the agreement was entered into or when the relationship between the licensee or law firm and the person was terminated.

11. Section 178 addresses requirements for a bill from a licensee or law firm, including how a bill must be delivered and who must sign the bill. Subsection (3) states that a bill is sufficient if it includes a reasonably descriptive statement of the services with a lump sum charge and detailed statement of disbursements, and if it meets any other requirements as established in the rules. Subsections (4) and (5) then establish time limits for when a licensee or law firm may sue to collect money owed.

12. Section 179 allows a person (client or indemnifier) to apply to the registrar for a review of a bill before the earliest of either 12 months after the bill was delivered or 3 months after the bill was paid, and a licensee or law firm is also allowed to apply to have a bill reviewed in certain circumstances. Under the Act, the application for review of a bill is referred to as “an appointment”.

13. Section 180 then establishes matters for consideration of a review or examination of either an agreement or a bill by the registrar. Subsection (4) states that the registrar must consider all of the circumstances when reviewing a bill, including:

    (a) the complexity, difficulty or novelty of the issue involved;
    (b) the skill, specialized knowledge and responsibility required of the licensee or law firm;
    (c) the amount involved;
    (d) the time reasonably spent;

(e) if there has been an agreement that sets a fee rate that is based on an amount per unit of time spent by the licensee or law firm, whether the rate was reasonable;
(f) the importance of the matter to the client;
(g) the result obtained.

14. However, section 180(5) states that the discretion of the registrar when reviewing a bill is not limited to the terms of agreement between a licensee or law firm and the client.

15. Sections 181 to 188 address some of the proceeding and registrar requirements, including costs of the review, remedies that may be ordered by the registrar, refund of fee overpayment, right to an appeal, registrar's certificate and court order to deliver bill or property, change of licensee or law firm by the client, and right to costs out of property recovered.

16. Section 189 of the Act closes with the general rule permitting the board to make rules respecting agreements and fees, including the following rules as suggestions:

(a) establishing ethics requirements and other requirements for the making of agreements and for billing practices;
(b) regulating the form and content of agreements;
(c) limiting the amount that licensees or law firms may charge for services provided under contingent fee agreements;
(d) specifying requirements for the form of a bill in addition to those described in section 178 (3) (a) *[bill of licensee or law firm]*;
(e) setting conditions to be met by licensees and law firms entering into contingent fee agreements.

Impact on the legal professions

17. There are two significant differences between how fees for legal services are currently addressed by the existing regulations for lawyers and notaries public that will or may change on amalgamation date. The first is that after amalgamation date, notaries public's agreements and bills will be subject to review by the registrar like lawyers' agreements and bills are currently reviewed, instead of by a taxation committee. The second significant difference is that currently, CFAs are only entered into by lawyers through permission provided by the *Legal Profession Act*, as under the common law there are restrictions

related to champerty (financing a lawsuit with the view to share in the proceeds if successful). Under the new *Legal Professions Act*, a licensee or law firm may enter a CFA, meaning that outside of any practical scope of practice needs, it is possible that a lawyer, notary public, regulated paralegal or law firm to enter a CFA after amalgamation date.

Additional legal considerations

Contract law principles

18. A legal agreement, including a CFA, is a contract for service between a legal professional and a person (for ease of reference, the client). For legal professionals, in addition to the requirements established by the *Legal Professions Act* and rules and code of professional conduct, the common law also sets out requirements for contracts applicable to legal service agreements and CFAs. For example, the common law requires certain factors for a contract to be enforceable, such as an offer and acceptance, consideration, intention to create a legal relationship and certainty of terms.

19. The common law also affects the interpretation of a contract. A court may refuse to enforce a contract if a particular term is unconscionable. This may arise for legal professionals if a client lacks meaningful choice or understanding of the terms, or if the terms disproportionately benefit the legal professional. A court may also set aside a contract of the client due to duress or undue influence. This power of the courts to affect the interpretation of a legal service agreement or CFA exists in addition to the powers conferred to the registrar of the courts through Part 13 of the *Legal Professions Act*, such as determining a term is void for limiting a licensee's or law firm's liability.

Roles of the regulator, tribunal, and courts

20. The regulator, its tribunal, and the courts each have a different but overlapping role when it comes to fees for legal services by the regulated legal professionals. Under the *Legal Professions Act*, the regulator establishes the professional responsibilities and ethics for lawyers, notaries public and regulated paralegals. These professional responsibilities and ethics are contained in the rules and code of professional conduct. In general, the rules address the regulator's relationship with a licensee, trainee or law firm or any requirements as specified by the Act, whereas the code of professional conduct addresses more ethical

considerations, and the licensee's relationship with the public, clients, the courts, the regulator and other licensees.

21. For fees for legal services, the *Legal Professions Act* provides that a registrar of the court may examine an agreement or review a bill on application or appointment. The registrar then has specific requirements under the *Legal Professions Act* for that examination or review, but the registrar may also apply common law considerations and consider any of the regulator's rules or code of professional conduct provisions as part of the review.

22. The regulator's tribunal also plays a role respecting fees for legal services, but it is a different role than the one performed by the registrar. The tribunal does not examine or review an agreement or bill but instead determines if a licensee or law firm has engaged in professional misconduct. For example, if a client complains to the regulator about matters such as excessive fees compared to the legal services provided, that complaint may result in a determination by the regulator that there has been professional misconduct, which may lead to a citation issued by the discipline committee. In this situation, the tribunal would then become responsible for hearing the matter, but in the context of whether the licensee or law firm conducted themselves in a way that constitutes a marked departure from the standards of professional conduct established under the Act, the rules and in the code of professional conduct. Under section 122 of the *Legal Professions Act*, the tribunal may make one or several orders, including a reprimand, a practice review, a remedial program, limits or conditions, a fine, suspension, cancellation, or restitution. The current *Legal Profession Act* does not specify restitution as an available remedy following a determination of professional misconduct, but it may be permissible under the catchall clause to "make any other orders and declarations and impose any conditions or limitations it considers appropriate."[7]

Competition Act

23. Canada's *Competition Act*[8] also has an impact on how legal professionals offer their services to the market. In general, the *Competition Act* makes it an offense for legal professionals to agree, either directly or indirectly, to fix or coordinate fees, set minimum rates, allocate

[7] *Legal Profession Act*, SBC 1998, c 9, section 38(f).

[8] RSC 1985, c C-34 ("*Competition Act*").

clients or practice areas, or restrict the supply of legal services.[9] The *Competition Act* operates alongside the professional obligations set out in the *Legal Professions Act*, the rules and code of professional conduct, and are intended to ensure that legal services are priced and delivered through competitive, independent decision-making.

24. Previously, a legal challenge under the *Competition Act* or its predecessor against a legal regulator setting of CFA cap or other mandatory fee requirements has not been heard. However, there is some related case law, respecting legal regulators' requirements for mandatory indemnification funds[10] and restrictions on marketing activities.[11] In the related cases, a regulated conduct defence applied to the respective law societies when the court determined that the regulator was acting within the confines of the provincial authorizing statute.[12] The question then becomes whether the activity caught by the *Competition Act* is authorized by the statute. For the *Legal Professions Act*, the Act permits the board to make rules that limit the amount that licensees or law firms may charge for providing legal services under CFAs, but not in other circumstances.[13] The remainder of the permissive powers under the *Legal Professions Act* address how agreements and bills, including form and content, may be made, as opposed to setting a limit on fees or amounts charged.

III. Discussion

Establishing ethics requirements and other requirements for the making of agreements and billing practices

25. Section 189(2)(a) permits that the board may make rules establishing ethics requirements and other requirements for the making of agreements and billing practices. The ethics or other requirements may be suitable for either the rules or code of professional conduct,

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[9] For example, see *Competition Act*, sections 45, 47, 76 and 79.

[10] *Law Society of Upper Canada v. Canada (Attorney General)*, 1996 CanLII 7981 (ON SC) ("*LSUC*") ; *Beltz v. Law Society of British Columbia*, 1986 CanLII 791 (BC SC).

[11] *Attorney General of Canada v. Law Society of British Columbia*, [1982] 2 SCR 307 ("*Jabour*").

[12] *LSUC*, (no paragraphing or pagination in online case).

[13] Section 189(2)(c).

depending on the requirement. Below is a discussion of some of the common agreement and billing requirements for legal professionals across Canada.

26. Clear and informed requirements so that a licensee or law firm must ensure that the client understands the nature, scope, and terms of the agreement. This may include elements such as: the scope of services being provided; the basis on which fees will be charged (e.g. hourly, flat fee, contingent); and disbursements and other costs. The ethical requirement is that of express consent by the client after full disclosure, and not just a formal signed agreement or bill.

27. Fair and reasonable fees are a common ethical requirement for legal professionals when determining an agreement or issuing a bill. Section 180(4) already establishes some of the factors that a registrar must consider when reviewing a bill, such as the complexity of the legal matter, the time involved, and the skill required. The rules and code of professional conduct may wish to enumerate these factors, or others, so that a licensee or law firm is required to consider them when forming an agreement and issuing a bill, placing the professional obligation on the licensee or law firm, and not just on the registrar upon review. In addition, an ethical requirement may go a step further in that even when a fee is contractually agreed to by the client, it may be unreasonable if it is clearly disproportionate to the legal services provided.

28. Ethical requirements may also include transparency and disclosure requirements in billing practices. Common requirements include the provision of timely accounts and bills, and disclosure of any fee changes should they arise. Related to this ethical requirement is honesty and good faith requirements in billing. Provisions may include restrictions that licensees must not bill for work not yet completed, no double-billing or inflation of hours, or billing of inefficiencies to the client. For example, there may be a requirement for use of some level of technology to improve efficiency in the delivery of services by licensees who bill on an hourly basis.

29. One of the most common, and arguably important, ethical requirements for legal professionals when forming agreements or issuing bills is to avoid a conflict of interest in fee arrangements. Inherently, negotiation of fees for legal services will involve some conflict of interest between the licensee or law firm and the client. The ethical requirements on licensees and law firms must ensure that this conflict does not impair the provision of legal advice to the client or incentivize conduct contrary to the client's interests. There may be an

additional duty for the legal professional to recommend that a client seek independent legal advice in certain situations, for example, when negotiating a CFA for certain clients or legal matters. Related to the duty to avoid a conflict of interest in fees for legal services is the additional ethical responsibility that may arise if the client is vulnerable. The ethical requirements may specify additional steps or considerations that need to be taken by a legal professional when forming an agreement or issuing a bill for those clients.

Discussion questions

1) What are your thoughts on the ethical requirements discussed in this section?

2) Are there any additional ethical requirements not discussed that you would like to see considered when the rules and code of professional conduct are drafted?

Regulating the form and content of agreements

30. Section 189(2)(b) permits that the board may make rules regulating the form and contents of agreements. This is somewhat different from what the ethical and other requirements for agreements discussed above may be, as it speaks to what specifically must be contained in the actual agreement formed. Section 174 provides some form and content requirements for all agreements, such as the agreement may be signed by another legal professional as agent, and that a term is void if it includes language limiting the legal professional's liability or professional responsibility. The form and content requirements may be specific to certain types of agreements, or applicable to all agreements for legal services.

31. One general requirement that may be established by the rules for agreements may include that the agreement must be in writing. Other requirements may be to include information to advise the client about their legal rights as it pertains to the agreement itself or a future bill, such as the ability to apply for an examination of the agreement or review of a bill under the *Legal Professions Act*.

32. The transitional board and transitional Indigenous council may also wish to consider whether the form and content of agreements for legal services needs to include information pertaining to the regulator's rules. For example, if the agreement will involve receiving the client's money in a trust account, it may be helpful as part of the legal professional's ethical duty to inform the client that agreements involving a trust account include information

about the regulator's rules respecting trusts that impact the client, such as the licensee having to issue a bill before removing money from trust or the unclaimed trust money process.

33. To avoid having to create rules for individual agreements or limited circumstances, the transitional board and transitional Indigenous council may wish to consider what the baseline form and content requirements are for all agreements for legal services that may need to be in the rules, and whether additional circumstances may be better addressed through the use of model agreements.

Discussion questions

3) What are your thoughts on specific form and content requirements for agreements for legal services in the rules?

4) Are there any additional form and content requirements not discussed that you would like to see considered when the rules are drafted?

Contingent fee agreements

34. Section 189(2)(c) and (e) of the *Legal Professions Act* permits the board to make rules limiting the amounts that licensees or law firms may charge for services provided under CFAs and setting conditions to be met by licensees and law firms when entering CFAs.

35. In general, limits on amounts allowable to charge for a CFA are usually approached as a percentage cap on the overall amount recovered for the client. The advantages of a percentage cap are that it aligns incentives with outcomes, scales the result, avoids arbitrary thresholds, and makes the fee more predictable and easier to justify when the outcome is uncertain. The disadvantage is that there is a risk of an outcome not commensurate with the legal services provided, as recently seen in the case of *Nootchtai v. Nahwegabow Corbiere Genoodmagejig Barristers and Solicitors*,[14] which made Canadian news headlines with the lawyers issuing a bill for $510 million based on a 5% CFA fee

[14] 2025 ONSC 6071.

respecting litigation over the breach of an Indigenous treaty. Percentage caps are not necessarily needed in all legal matters that may involve a CFA, as the transitional board and transitional Indigenous council may still create an ethical requirement that all other CFAs must have a fee that is fair and reasonable.[15]

36. When considering the percentage caps for CFAs, the transitional board and transitional Indigenous council will need to account for the CFAs already in existence. Currently, only lawyers may enter into a CFA. Under the Law Society Rules, there are percentage cap limits to fees that lawyers may charge for two types of legal matters: personal injury or wrongful death because of a motor vehicle accident, and all other personal injury or wrongful death matters. For personal injury or wrongful death involving a motor vehicle accident, the maximum percentage cap for remuneration is 33 1/3%, and the cap is 40% for all other personal injury and wrongful death claims.[16] For continuity of practice, the transitional board and transitional Indigenous council may wish to continue the percentage caps for these legal matters for all legal professionals for amalgamation date.

37. The transitional board and transitional Indigenous council may also wish to consider whether a percentage cap for CFAs for any other legal matters may be necessary for amalgamation date. Currently, the Law Society's Truth and Reconciliation Advisory Committee is exploring the possibility of introducing a percentage cap on Indigenous legal matters. The transitional board and transitional Indigenous council may wish to do the same. One key piece of the Law Society's current work in this area is the need for consultation with the public and legal professionals who work in these practice areas to ensure that any future rules respecting CFAs do not have an unintended consequence on the availability of legal services for these matters.

38. In addition to a percentage cap for CFAs, the transitional board and transitional Indigenous council may also consider any conditions that need to be met before entering into a CFA. These conditions would be CFA-specific, additional conditions, as an add-on to any conditions required for all other fee agreements. Some common conditions for CFA contracts may include clear disclosure of how the CFA percentage is calculated, whether there are any limitations on a CFA percentage provided by statute or the rules, the right or

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[15] For example, see the Law Society's *Code of Professional Conduct for British Columbia*, Code rule 3.6-2.

[16] Law Society Rules, Rule 8-2.

necessity of a client to receive independent legal advice, and what happens if the client terminates the CFA or the legal professional withdraws prior to the resolution of the legal matter.

Discussion questions

5) What are your thoughts on the use of a percentage cap on amounts recovered as a limit for remuneration in a CFA?

6) What are your thoughts respecting continuing the current percentage caps for personal injury and wrongful death litigation, with a lower amount for those caused by motor vehicle accidents?

7) What are your thoughts on establishing a percentage cap limit for other areas of litigation or legal services? Is a new percentage cap limit for that area needed for amalgamation date?

Requirements for the form of a bill

39. Section 189(2)(d) of the Act allows the board to establish requirements for a form of a bill in addition to those already required by section 178(3)(a), which are that the bill contains a reasonable description of the services with a lump sum charge and a detailed statement of disbursements.

40. The transitional board and transitional Indigenous council may wish to consider whether any additional form requirements are necessary for bills issued by legal professionals. Some examples of common bill form requirements include providing details about the client and date for when the bill is issued, a statement for notice of the bill being authorization to withdraw from the client's trust account (if relevant), and information pertaining to legal professional's and client's right to have the bill reviewed by the registrar as per the *Legal Professions Act*.

41. One area for consideration by the transitional board and transitional Indigenous council is the opportunity that future bill requirements may provide when approving the rules and code of professional conduct for amalgamation date. The rules for Legal Professions BC will apply to future actions, meaning that the ability to affect existing agreements for legal

services may be limited outside an examination by the registrar as outlined in section 177 of the *Legal Professions Act*. However, bills for those pre-existing agreements may not be issued until after amalgamation date, and the ethical requirements for making and issuing a bill, as well as the bill form requirements, will be applicable to any bill issued following amalgamation date. This does not mean that a future-issued bill can change the contractual arrangement or fee structure of a previously signed agreement. However, the transitional board and transitional Indigenous council may wish to require either as an ethical or bill form requirement that bills for CFAs must not exceed the amount provided for in the agreement, and must also be reasonable under the circumstances that exist at the time when the bill is prepared.[17]

Discussion questions

8) What are your thoughts on any additional requirements to the form of a bill in general?

9) What are your thoughts on any additional requirements to the form of a bill when issued under a CFA?

IV. Discussion questions

42. In summary, the main discussion and direction items for the transitional board and transitional Indigenous council respecting fees for legal services are:

1) What are your thoughts on the ethical requirements discussed in this section?

2) Are there any additional ethical requirements not discussed that you would like to see considered when the rules and code of professional conduct are drafted?

3) What are your thoughts on specific form and content requirements for agreements for legal services in the rules?

[17] For example, see Law Society Rules, Rule 8-1(2).

4) Are there any additional form and content requirements not discussed that you would like to see considered when the rules are drafted?

5) What are your thoughts on the use of a percentage cap on amounts recovered as a limit for remuneration in a CFA?

6) What are your thoughts respecting continuing the current percentage caps for personal injury and wrongful death litigation, with a lower amount for those caused by motor vehicle accidents?

7) What are your thoughts on establishing a percentage cap limit for other areas of litigation or legal services? Is a new percentage cap limit for that area needed for amalgamation date?

8) What are your thoughts on any additional requirements to the form of a bill in general?

9) What are your thoughts on any additional requirements to the form of a bill when issued under a CFA?

43. Following the advice and recommendations provided by the transitional board and transitional Indigenous council, staff will return with a follow-up paper and draft rules for discussion and decision at a future date.

Legal Professions BC

Draft outline of table of contents of the first rules for amalgamation day

Outline

PART 1 – INTERPRETATION

1.1[1] Definitions (any definitions that occur repeatedly throughout the new rules)

1.1.1 Act

PART 2 – LEGAL PROFESSIONS

2.1 Application of rules across regulated legal professions

PART 3 - LEGAL PROFESSIONS BRITISH COLUMBIA

3.1 Division 1 – Legal Professions BC

3.2 Division 2 – Board of directors and chief executive officer

3.2.1 Term limit for directions (2-year)

3.2.2 Election of directors

3.2.2.1 Staggering of elections

3.2.2.2 Representation requirements

3.2.2.3 Candidate eligibility

3.2.2.4 Nomination process

3.2.2.5 Screening of candidates

3.2.2.6 Voter eligibility

3.2.2.7 Voting process

3.2.2.8 Tie vote

[1] The numbering provided in this outline is for ease of reference only at this stage of the drafting process.

3.2.2.9 Acclamation

3.2.3 Appointment of directors

3.2.3.1 Nomination process

3.2.3.2 Staggering of appointments

3.2.3.3 Screening of nominees

3.2.3.4 Appointment process

3.2.4 Appointment of chair and vice chair

3.2.4.1 Eligibility of chair and vice chair

3.2.4.2 Term limit of chair (1 year, 2 option)

3.2.4.3 Election of chair and vice chair

3.2.4.4 Chair and vice chair powers and duties

3.2.4.5 Removal of chair and vice chair

3.2.5 Establishment of standing committees

3.2.5.1 Executive committee

3.2.5.1.1 Chair

3.2.5.1.2 Powers and duties

3.2.5.2 Finance committee

3.2.5.2.1 Chair

3.2.5.2.2 Powers and duties

3.2.5.3 Nominating committee

3.2.5.3.1 Chair

3.2.5.3.2 Powers and duties

3.2.6 Meetings

3.2.6.1 When board meeting closed to public

3.2.7 Chief executive officer

3.2.7.1 Retaining external support

PART 4 – INDIGENOUS COUNCIL

4.1 (Any rules respecting the board's relationship with and commitment to the Indigenous council beyond the obligations as set out in the Act, if established)

4.2 Rule consultation process (e.g. timing)

PART 5 – LICENSING AND AUTHORITY TO PRACTISE

5.1 Division 1 – Practice of law

5.1.1 Legal information definition

5.2 Division 2 – Authority to practise law

5.2.1 Unauthorized practice

5.2.2 Authority to practice

5.2.2.1 Practice of law by supervised employee

5.2.3 Mobility of legal professions

5.2.3.1 Lawyers

5.2.3.2 Regulated paralegals

5.2.4 Canadian legal advisors

5.2.5 Practitioners of foreign law

5.2.6 Non-practising licensee

5.2.7 Officers of court

5.3 Division 3 – Scopes of practice

5.3.1 Notaries public (if further scope established for amalgamation date)

5.3.2 Regulated paralegals (if further scope established for amalgamation date)

5.4 Division 4 – Licensing and enrolment

5.4.1 Eligibility requirements for licensing

5.4.1.1 Lawyer

5.4.1.2 Notary public

5.4.1.3 Regulated paralegal

5.4.2 Enrolment as a trainee

5.4.2.1 Lawyer

5.4.2.2 Notary public

5.4.2.3 Regulated paralegal

5.4.3 Establishment of licensing committee

5.4.3.1 Powers and duties

5.4.4 Application for licence to practise legal profession

5.4.4.1 Process

5.4.4.2 When application must be considered by licensing committee

5.4.5 Limits and conditions

5.4.5.1 Process for varying limits and conditions

5.4.5.2 Application fee

5.4.6 Application for limited practice licence

5.4.6.1 Process

5.4.6.2 Application fee

5.4.7 Request for enrolment as trainee

5.4.7.1 Process

5.4.7.2 When request must be considered by licensing committee (if role)

5.4.7.3 Limits and conditions

5.4.7.4 Enrolment fee

5.4.8 Review of licensing or enrolment decision (if licensing committee role)

5.4.8.1 Process

5.4.9 Establishment of in-house education programs for trainees

5.4.9.1 Notary public

5.4.10 Activities trainees may perform

5.4.10.1 Lawyer

5.4.10.2 Notary public

5.4.10.3 Regulated paralegal

5.4.11 Entry into legal profession

5.4.11.1 Requirements for entry into legal profession

5.4.11.1.1 All legal professionals

5.4.11.1.1.1 Indigenous cultural competency course (if mandatory for all legal professions upon entry)

5.4.11.1.1.2 Practice management course (if mandatory for all legal professions upon entry)

5.4.11.1.2 Lawyer

5.4.11.1.3 Notary public

5.4.11.1.4 Regulated paralegal

5.4.12 Non-practising licence

5.4.13 Return to practice

5.4.13.1 Time considerations

5.4.13.2 Conditions on returning to practice

5.4.13.2.1 Education, experience or supervision requirements

5.4.14 Reinstatement

5.4.14.1 Cancelled licence

5.4.14.2 Former judge or associate judge

5.4.15 Annual fees

5.4.15.1 Practice fees for licence types

5.4.15.1.1 Lawyer

5.4.15.1.2 Notary public

5.4.15.1.3 Regulated paralegal

5.4.15.2 Non-practising fees

5.4.15.3 Exemptions

5.4.15.3.1 Exemptions from practice fee

5.4.15.3.2 Exemptions from indemnification fee

5.4.15.3.3 Payment by instalments

5.4.16 Registry

5.4.16.1 Exceptions to publication

5.4.16.2 Period of publication

5.4.17 Practice specialities (if determined for amalgamation date)

5.4.17.1 Designated practice specialities

5.4.17.1.1 Qualification for specialization(s)

5.4.17.1.2 Certification of specialization(s)

5.4.17.1.3 Restrictions on claiming to be specialized

5.4.18 Restricted areas of practice

5.4.18.1 Designated restricted areas of practice

5.4.18.1.1 Family law mediator

5.4.18.1.2 Family law arbitrator

5.4.18.1.3 Family law parenting coordinator

5.4.18.2 Qualification for designated restricted areas of practice

5.4.18.2.1 Family law mediator

5.4.18.2.2 Family law arbitrator

5.4.18.2.3 Family law parenting coordinator

5.4.19 Undertakings (if needed outside of individual rules)

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6.1.2 Financial responsibility

6.1.2.1 Standards of financial responsibility

6.1.2.2 Failure to satisfy judgment

6.1.2.3 Insolvency (if determined)

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6.1.3.1 Requirements

6.1.3.1.1 Indigenous cultural training course

6.1.3.1.2 Practice management course (if determined for amalgamation date)

6.1.3.1.3 Late completion

6.1.3.1.4 Failure to complete

6.1.4 Assistance programs

6.1.4.1 Practice advice and equity advisor

6.1.4.1.1 Confidentiality

6.2 Division 2 – Complaints and investigations

6.2.1 Making a complaint

6.2.2 Variation of complaint process

6.2.3 Duty to report

6.2.3.1 (Any duty to reports for licensees, but may be better included in other rules or in Code)

6.2.4 Confidentiality of complaint

6.2.5 Protection of privacy

6.2.6 Initiation of investigation by regulator

6.2.7 Limits and conditions on entry and inspection

6.3 Division 3 – Discipline

6.3.1 Dismissal of complaint after investigation

6.3.2 Review of dismissal of complaint

6.3.3 Interim orders

6.3.4 Summary suspension for indictable offence

6.3.5 Professional conduct orders

6.3.6 Competence orders

6.3.7 Resolution by consent agreement

6.3.7.1 Breach of consent agreement

6.3.7.2 Indigenous dispute resolutions (if determined for amalgamation date)

6.3.7.3 Resolution by informal means

6.3.7.4 Health

6.3.7.4.1 Health information

6.3.7.4.2 Practice conditions and limits

6.3.7.4.3 Amendment of consent agreement

6.3.7.4.4 Breach of consent agreement

6.3.7.4.5 Confidentiality

6.3.7.4.6 Dispute resolution

6.3.7.5 Competence alternative resolution process (if determined for amalgamation date)

6.3.8 Establishment of discipline committee

6.3.9 Citations

6.3.9.1 Issuing of citation

6.3.9.2 Amendment of citation

6.3.9.3 Recission of citation

PART 7 – TRIBUNAL

7.1 Approval of tribunal budget

7.2 Annual report requirements

7.2.1 Information in annual report

PART 8 – TRIBUNAL PROCEEDINGS

8.1 Referral to tribunal

PART 9 – INDEMNIFICATION

9.1 Professional liability indemnification program

9.2 Trust protection indemnification program

9.3 (Other indemnification program(s), if established)

9.4 Application for indemnification coverage

9.5 Indemnity fees

9.5.1 Payment by instalments

9.5.2 Exemptions

9.6 Indemnity fund

9.7 Trust administration fee (may locate rule under "Part 12 - Trust Accounts")

9.8 Confidentiality of indemnity claims

PART 10 – CUSTODIANSHIPS

10.1 Cooperation

10.2 Report of possible claim

10.3 Notice of custodianship order

PART 11 – LAW FOUNDATION OF BRITISH COLUMBIA

PART 12 – TRUST ACCOUNTS

12.1 Designated savings institutions

12.2 Deposit of trust funds

12.3 Trust account only for legal services

12.4 Form of deposits allowed

12.5 Cash limits

12.6 Treatment of fiduciary property

12.7 Pooled trust funds

12.7.1 Use of approved form of agreement

12.8 Withdrawal of trust money

12.8.1 Electronic transfers

12.8.2 Payment of fees

12.9 Accounting records and reports

12.9.1 Trust account records

12.9.2 General account records

12.9.3 Billing records

12.9.4 Recording transactions

12.9.5 Trust report

12.10 Unclaimed trust funds

12.10.1 Payment to regulator

12.10.2 Claim process

12.10.3 Investigation of claims

12.10.4 Adjudication of claims

12.10.5 Payment to Law Foundation

12.11 Overdrawn pooled trust fund

12.11.1 Amount

12.12 Trust account reviews and audits

12.12.1 Suspension for failure to comply

12.12.2 Recovery of regulator costs

12.13 Client identification and verification

12.13.1 Requirements to identify client

12.13.2 Requirements to verify identity of client

12.13.3 Timing of identification and verification

12.13.4 Duty to withdraw

12.14 Resignation and closure of trust account

12.14.1 Resignation of responsible legal professional

12.14.2 Closure of trust account

PART 13 – FEES FOR LEGAL SERVICES

13.1 Reasonable fee

13.2 Form and content of agreements

13.3 Contingent fee agreements

13.3.1 Limits on charges for services

13.3.1.1 Indigenous legal matter(s) (if determined for amalgamation date)

13.3.1.2 Personal injury

13.3.2 Conditions for contingent fee agreements

13.4 Additional requirements for form of bill

PART 14 – BUSINESS STRUCTURES

14.1 Law firms (if determined for amalgamation date)

14.1.1 Registration or permit requirements

14.1.2 Application for permit

14.1.3 Designation of contact person

14.1.4 Annual law firm report

14.1.5 Fees

14.2 Law corporations

14.2.1 Application for permit

14.2.2 Renewal of permit

14.2.3 Cancellation of permit

14.2.4 Limits and conditions on permit

14.2.5 Approval of names

14.2.6 Fees

14.2.7 Disposition of shares

14.2.8 Insurance requirements

14.2.9 Supervision of employees practising law

14.3 Limited liability partnerships

14.3.1 Authorization of limited liability partnerships

14.3.2 Requirements

14.3.3 Application

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14.4 Alternative business structures

14.4.1 Authorization of alternative business structures on case-by-case basis (if determined for amalgamation date)

PART 15 – ENFORCEMENT

15.1 Authorization to swear information

PART 16 – GENERAL

16.1 Records

16.2 Security of records

16.3 Disclosure in the public interest

PART 17 - TRANSITIONAL

17.1 Transitional elections

17.2 Transitional appointments

17.3 Notary public trust accounts (if needed)

17.4 Existing multidisciplinary practices (if needed)

The following briefing note has been prepared to support the transitional board and transitional Indigenous council (referred to collectively as the Transition Team) in confirming a timeline for the development of the first rules of Legal Professions BC.

1. Background

As set out in section 226(1) of the Legal Professions Act, one of the primary responsibilities of the transitional board and transitional Indigenous council is to work collaboratively to develop the first rules of the board. The Act requires these rules be developed and approved prior to the amalgamation date (s 226(2)), which is currently planned for January 1, 2027.

To date, the transitional board, transitional Indigenous council, and advisory committee have focused on policy papers and guidance to inform the drafting team on the development of the rules. With the first review and discussion of policy papers largely complete, the drafting of specific rules will begin in January 2026. In total, 17 parts (sections) of rules must be developed, with 14 major parts representing the most substantial areas for development and review.

As policy papers have been developed and reviewed, members of the transitional board, transitional Indigenous council, the drafting team and partner agencies have raised concerns regarding the level of effort needed and the fast turnaround required to provide input in order to complete the first rules within the proposed timelines – amalgamation date of January 1, 2027 – while allowing for the level of detailed review and consultation required to develop the rules appropriately.

2. Discussion – Roles and Responsibilities

At this time, the Transition Team must consider an appropriate timeline and approach for the development of the draft rules. Three options are proposed with varying allowances for drafting, review, consultation, and revision.

In assessing these options, it is important to consider the expectations of each group involved in drafting, reviewing, providing feedback, revising and approving the draft rules.

Primary Drafters:

In developing the draft rules, drafters will be responsible for:

- Preparing draft rules
- Consulting internally with Advisory Committee and legal advisors to the Indigenous Council and the BCPA
- Receiving and incorporating feedback
- Engaging in broader consultation with partner organizations, including LSBC, SNPBC, and BCPA
- Revising drafts for approval by the Transition Team

Transition Team:

In developing the draft rules, the Transition Team will be responsible for:

- Reviewing draft rules
- Providing feedback in advance of board meetings to enable focused discussion of key issues
- Supporting revisions / wordsmithing of draft rules outside of board meetings (if needed)

In addition to these responsibilities related to rule development, the Transition Team will continue to manage other board responsibilities, including approvals related to the Code of Professional Conduct, communications, hiring decisions, and other governance matters.

Partners:

In developing the draft rules, partners (e.g., LSBC, SNPBC, BCPA) will be responsible for:

- Participating in consultation on each part of the rules to inform drafting
- Reviewing draft rules and providing timely feedback to the drafting team
- Reviewing revised rules to prepare for approval by Transition Team

Public Consultation:

Following the approval of draft rules by the Transition Team, there will be a public consultation period of 6 months (inclusive of review and approval of the rules). Additional agencies beyond the partners identified above will be invited to review and provide feedback to the drafters and Transition Team for finalization and approval of the rules.

3. Timeline Options

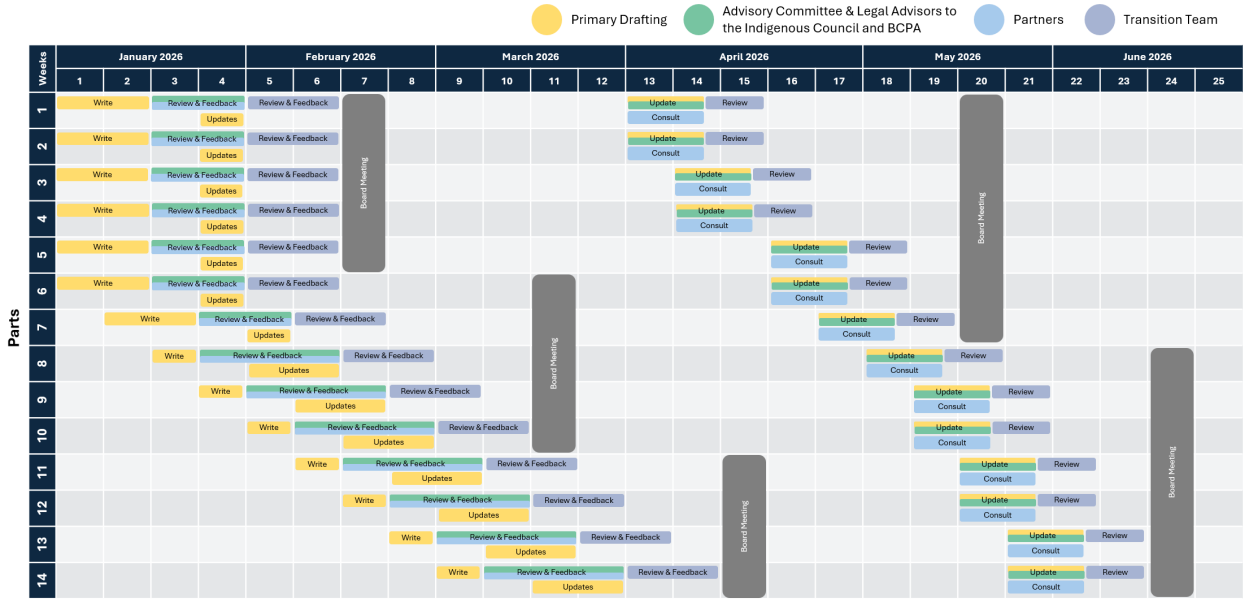
Option 1: Maintain Current Timeline

The initial workplan for rules development includes a 6-month timeline to develop, review and approve draft rules followed by 6 months for public consultation on the rules and final approval. Based on this timeline, the rules would be finalized for an amalgamation date of January 1, 2027.

To accommodate this timeline, the following approach would be applied:

- **Segmenting Development:** All 14 major parts of the rules would be developed in parallel.
- **Drafting Timeline:** Each part of the rules would be drafted, reviewed by internal advisors and partner agencies over 4 weeks, and reviewed by the Transition Team for at least 2 weeks prior to a Board meeting.
- **Update Timeline:** Prior to approval, each part of the rules would have approximately 3 weeks for additional consultation and review before Transition Team approval at the next board meeting.
- **Board Meetings:** As many as 7 parts would be reviewed at each board meeting.
- **Timeline Buffer:** This model requires 24 weeks, allowing for a 2-week buffer, if needed.
- Review by Advisory Committee, legal advisors & partners (e.g., LSBC, SNPBC, BCPA) would happen in parallel
- Additional resources to support drafting would likely be required

The image below provides a visual representation of the work needed to be completed by the various resource groups.



Option 2: Extend Timeline by 6 Months

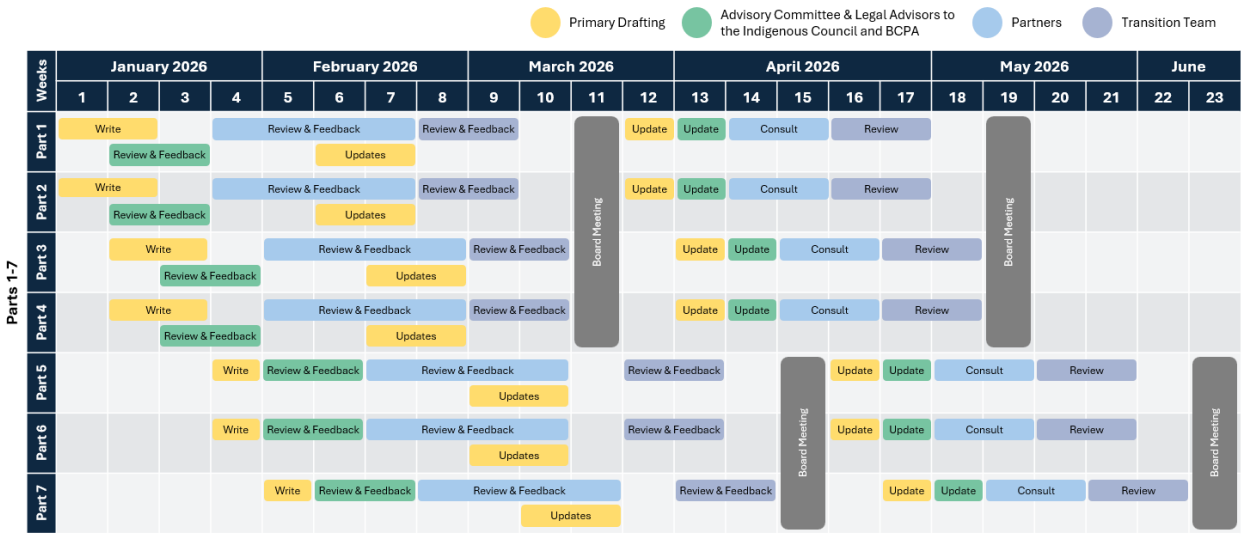
This option requires 18 months, including 12 months to develop, review and approve draft rules followed by 6 months for public consultation on the rules and final approval. Based on this timeline, the rules would be finalized for an amalgamation date of July 1, 2027.

This extended timeline would allow all resource groups to focus on fewer parts simultaneously and allow for drafters to work more collaboratively with advisors and partner agencies.

To accommodate this timeline, the following approach would be applied:

- **Segmenting Development:** The rules would be developed in 2 cycles, with 7 major parts developed in the first cycle and 7 in the second cycle, each taking approximately 23 weeks. This would also allow for prioritization of parts that may require longer consultation periods or would have more significant impact on operational considerations.
- **Drafting Timeline:** Each part of the rules would be drafted and reviewed by internal advisors over 3 weeks, followed by a 4-week consultation period with partner agencies, then distributed for review and feedback by the Transition Team for at least 2 weeks prior to a Board meeting.
- **Update Timeline:** Prior to approval, each part of the rules would have approximately 7 weeks for additional consultation and review prior to board approval at the next board meeting.
- **Board Meetings:** As many as 4 parts would be reviewed at each board meeting
- **Timeline Buffer:** This model requires 2 segments of approximately 23 weeks, allowing for 6 weeks of buffer, if needed
- Review and updates with the Advisory Committee and legal advisors would happen prior to consultations with partner agencies

The image below provides a visual representation of the work needed to be completed by the various resource groups.



Option 3: Extend Timeline by 12 Months

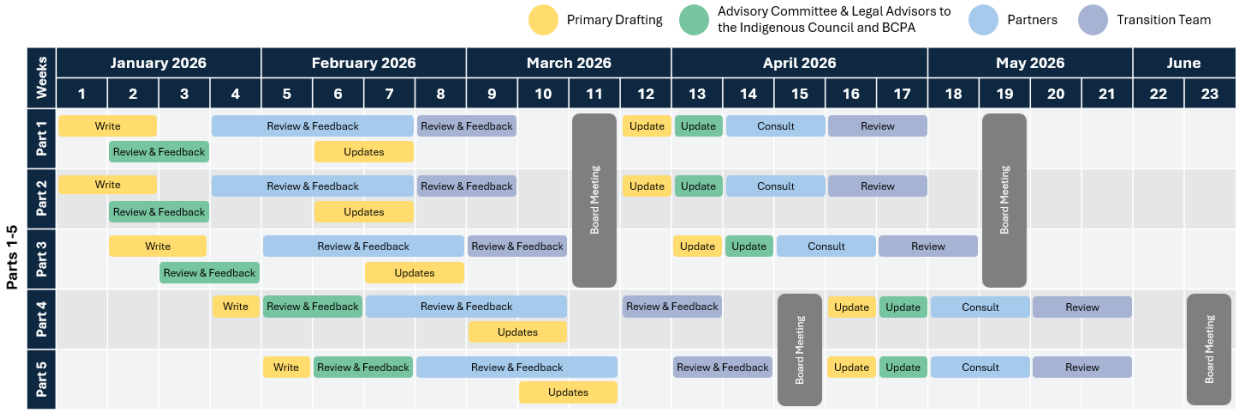
This option requires 24 months, including 18 months to develop, review and approve of draft rules followed by 6 months for public consultation on the rules and final approval. Based on this timeline, the rules would be finalized for an amalgamation date of January 1, 2028.

This extended timeline would allow all resource groups to focus on fewer parts simultaneously and allow for drafters to work more collaboratively with advisors and partner agencies.

To accommodate this timeline, the following approach would be applied:

- **Segmenting Development:** The rules would be developed in 3 cycles, with 5 major parts developed in the first and second cycles and 4 developed in the third, each cycle taking approximately 23 weeks. This would also allow for prioritization of parts that may require longer consultation periods or would have more significant impact on operational considerations.
- **Drafting Timeline:** Each part of the rules would be drafted and reviewed by internal advisors over 3 weeks, followed by a 4-week consultation period with partner agencies, then distributed for review and feedback by the Transition Team for at least 2 weeks prior to a Board meeting.
- **Update Timeline:** Prior to approval, each part of the rules would have approximately 7 weeks for additional consultation and review prior to Transition Team approval at the next board meeting.
- **Board Meetings:** As many as 3 parts would be reviewed at each board meeting
- **Timeline Buffer:** This model requires 3 segments of approximately 23 weeks, allowing for 9 weeks of buffer, if needed
- Review and updates with the Advisory Committee and legal advisors would happen prior to consultations with partner agencies

The image below provides a visual representation of the work needed to be completed by the various resource groups.



4. Decision / Action

The transitional board and transitional Indigenous council are asked to provide a decision on the approach to rules development.

The options provided are intended to address the request for additional time by all parties actively participating in the development of and consultation on the draft rules, while being mindful of the overall impact on the amalgamation date.