

## LPBC Transitional Board and Transitional Indigenous Council

### Joint Meeting

#### Agenda

Meeting Date: February 9, 2026

Meeting Time: 9:30 AM – 4:00 PM PST

Meeting Location: Society of Notaries Public of BC: 700-625 Howe St, Vancouver, V6C 2T6

#### 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 <b>Consent Agenda</b>	Board Chair	9:30AM	5 min	
2	January 12, 2026 Meeting Minutes <b>Updates</b>	Board Chair	9:35 AM	5 min	Draft Minutes
3	Update from the Project Director <b>Discussion/Decision</b>	Project Director	9:40 AM	5 min	
4	Rules – Updated Table of Contents & Alignment to Act	Cary Ann Moore	9:45 AM	10 min	Draft Combined Table of Contents
5	Code of Professional Conduct – Approach	Adam Whitcombe	9:55 AM	5 min	
6	Workplan Updates – Rules Drafting & Code of Professional Conduct	Project Director	10:00 AM	15 min	Workplan – Summary Workplan – Detailed
7	Transitional Board - Code of Conduct	Adam Whitcombe	10:15 AM	30 min	Code of Conduct – Discussion Paper Draft Code of Conduct
	<b>Break</b>		10:45 AM	15 min	
8	Regulated Paralegal Scope of Practice	RPWG Chair – Lisa Trabucco	11:00 AM	60 min	
	<b>Lunch</b>		12:00PM	60 min	
9	<b><i>In-Camera</i></b> (Transitional Board and Transitional Indigenous Council only)		1:00PM		

# SLR Board and Indigenous Council

## Minutes of Meeting

Meeting Date: January 12, 2026  
Meeting Time: 9:00  
Meeting Type: Hybrid  
Meeting Location: Law Foundation of BC

### Board Members in Attendance:

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

Regrets: 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	Kerry Simmons KC	ED, CBABC
Avalon Bourne	Staff, LSBC	Kerryn Holt	COO, LSBC
Barbara Buchanan KC	Staff, LSBC	Lesley Small	Senior Director, LSBC
Brook Greenberg, KC	President, LSBC	Michael Lucas KC	Staff, LSBC
Carrie Robinson	Staff, LSBC	Michael Mulhern	Staff, LIF
Claire Marchant	Co-ED, LSBC	Michèle Ross	Bencher, LSBC

Name	Organization	Name	Organization
Derek LaCroix KC	Co-ED, LAPBC	Sherry Small	Staff, LSBC
Gigi Chen-Kuo	CEO, LSBC	Su Forbes KC	COO, LIF
Jeanette McPhee	CFO, LSBC	Terry Becker	Okanagan College
Jeff Hoskins, KC	Staff, LSBC	Thomas Spraggs KC	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 December 10, 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.

## 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.

## 4.0 Fees for Legal Services

The Legislative Counsel introduced the policy paper and led the discussion respecting fees for legal services. Several questions were presented for consideration:

- The Indigenous Council emphasized that fee structures and legal fees are a priority issue, noting historical and ongoing concerns about exploitative practices (e.g., overcharging, inadequate representation, barriers to accessing settlement funds, etc.) that disproportionately impact Indigenous clients accessing legal services.
- a. What are your thoughts on the ethical requirements discussed in this paper? 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?
  - It was noted that the BC Code of Conduct includes more specific requirements for ethical conduct than the model code and was suggested

that, where appropriate, the higher standards in the BC Code be considered for incorporation into the model code.

- The Transition Team expressed interest in an update on the work completed to-date by Law Society's Truth and Reconciliation Advisory Committee in this area, as it may provide additional context and help inform the Transition Team's efforts on this topic.
- b. What are your thoughts on specific form and content requirements for agreements for legal services in the rules? Are there any additional form and content requirements not discussed that you would like to see considered when the rules are drafted?
- The Transition Team discussed including a requirement for written retainer agreements in the rules.
  - It was noted that while written agreements may be a best practice, they are overly burdensome in some contexts, particularly for small rural practices, or where urgent legal services are required (e.g., immigration / deportation matters), and could create barriers to accessing legal services.
  - It was also noted that the sample retainer agreements currently available on the LSBC website are helpful resources.
- c. What are your thoughts on the use of a percentage cap on amounts recovered as a limit for remuneration in a CFA?
- The Transition Team discussed the use of a percentage cap on amounts recovered as a limit for remuneration in a CFA.
  - The Transition Team also discussed, for certain classes of CFAs involving vulnerable clients, engaging the registrar at the beginning and on an ongoing basis for oversight of costs and case management, to ensure fairness. It was noted that the role of the registrar is largely established in the Act, and this topic would need to be discussed with the courts to determine feasibility.
- d. 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?
- The Transition Team discussed maintaining the current percentage caps for personal injury and wrongful death litigation.
- e. 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?

- The Transition Team discussed establishing a cap for other legal services and expressed a need for further consultation to determine where a cap may be beneficial or necessary and what level would be appropriate.
- f. What are your thoughts on additional requirements to the form of a bill in general? What are your thoughts on any additional requirements to the form of a bill when issued under a CFA?
- The Transition Team discussed additional requirements to the form of a bill.

### **5.0 Rules – Draft Table of Contents**

The Legislative Counsel introduced the draft Table of Contents for discussion:

- The Transition Team noted that a summary outlining which rules are required and which are discretionary under the Legal Professions Act would be helpful in supporting rule review.
- The Transition Team expressed support for updating the title of section 6.1.3.1.1. from “Indigenous cultural training course” to “Indigenous intercultural training course.”

### **6.0 Work Plan – Timeline Options**

The Transition Team discussed various timelines for developing the first rules of the single legal regulator:

- The Transition Team acknowledged that the current timeline for developing the rules for a January 1, 2027 amalgamation date is aggressive and does not allow sufficient time for consultation to develop the rules.
- The Transition Team discussed alternatives for extending the amalgamation date to July 1, 2027 (six-month extension) or January 1, 2028 (12-month extension).
- Members emphasized the importance of maintaining momentum throughout the transition while also allowing sufficient time for meaningful consultation and engagement to support high-quality rule development.
- The Transition Team agreed to a target amalgamation date of January 1, 2028, but would proceed earlier if feasible.

### **7.0 In Camera Session**

# Legal Professions BC

## Draft first rules for amalgamation day

### Table of Contents – Detailed

	Authority under <i>Legal Professions Act</i>	Drafting notes	Must/May considerations
<b>PART 1 – INTERPRETATION</b>			
1.1 Definitions (any definitions that occur repeatedly throughout the new rules)	<b>27 General rule-making authority of the board</b> (1) The board may make any rules that it considers necessary or advisable for the performance of the duties of the regulator under section 6 (1) [ <i>duties of regulator</i> ].	<ul style="list-style-type: none"> <li>Words should not be defined unless needed</li> <li>Consistent with LPA and <i>Interpretation Act</i></li> <li>Last to be drafted</li> </ul>	
1.1.1 Act	Same as above.	<ul style="list-style-type: none"> <li>LSBC Rule 1</li> <li>SNPBC Rules, Rule 1</li> <li>SNPBC Bylaws, Bylaw 1</li> </ul>	
<b>PART 2 – LEGAL PROFESSIONS</b>			
2.1 Application of rules across regulated legal professions	<b>27 General rule-making authority of the board</b> ... (3) The board may make different rules for different legal professions.	<ul style="list-style-type: none"> <li>Rule to confirm uniform treatment of legal professions, when possible</li> <li>Rule (or potential definition, above) on what is the public interest</li> </ul>	<ul style="list-style-type: none"> <li><b>Must:</b></li> <li><b>6 Duties of regulator</b></li> <li><i>The Act requires the regulator to perform its duties in the public interest. Do we need the transitional board and the transitional Indigenous council to provide guidance on the public interest?</i></li> <li><i>In a draft paper on the independence of licensees, the Indigenous council has asked who is the “public” and recognizes the public cannot be seen as a</i></li> </ul>

			<p><i>homogenous body of common interests. In the view of the council, there are distinct differences between the needs and perspectives of Indigenous and non-Indigenous communities, between rural and urban. The council noted that if the independence of licensees is to serve the public interest, then the policy must consider:</i></p> <ul style="list-style-type: none"> <li><i>○ Indigenous peoples' status as distinct legal and political communities;</i></li> <li><i>○ The unique features of Indigenous legal practice, including collective mandates, relational approaches, and community accountability;</i></li> <li><i>○ The potential shift to legal pluralism with increasing Indigenous legal jurisdiction (for example, Bill C-92 An Act respecting First Nations, Inuit and Métis children, youth and families, developed under the federal Indigenous Justice Strategy), and the need for licensees to be able to respond appropriately to jurisdictional developments and the Government's mandate of reconciliation with Indigenous peoples; and</i></li> <li><i>○ The fact that Indigenous peoples are often both clients and legal practitioners navigating systems that were not designed for or by them.</i></li> </ul> <ul style="list-style-type: none"> <li><i>● How will the future regulator know what is in the public interest? If there is to be any meaningful consideration of the public interest, the recognition that there is not just one public needs to be taken seriously.</i></li> </ul>
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**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 directors	<p><b>12 Term limit for directors</b>  (1) Subject to subsections (3) and (4), a person may be appointed as a director for a term of no more than 3 years and may serve for no more than 6 consecutive years.  (2) Subject to subsection (3), a person may be elected as a director for a term, of no more than 3 years, specified in the rules and may serve for no more than 6 consecutive years  ...  <b>28 Rules respecting directors</b>  (2) Without limiting subsection (1), the board may make rules as follows:  ...  (e) respecting terms of office for elected directors, including the staggering of terms of office;  ...  (g) respecting terms of office for directors appointed under section 8 (1) (c) (i) and (e), including the staggering of terms of office;</p>	<ul style="list-style-type: none"> <li>• Rule to establish how long a director is elected or appointed for (within limits provided by Act)</li> <li>• LSBC Rules, Rules 1-1 and 1-2</li> <li>• SNPBC Bylaws, Bylaws 5.09 and 5.10</li> </ul>	
3.2.2 Election of directors	<p><b>28 Rules respecting directors</b>  (1) The board may make rules respecting directors.</p>		

<p>3.2.2.1 Staggering of elections</p>	<p><b>28 Rules respecting directors</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  ...  (e) respecting terms of office for elected directors, including the staggering of terms of office;</p>	<ul style="list-style-type: none"> <li>• Rule(s) to establish the timing of staggering (incl. how many directors, which directors)</li> </ul>	
<p>3.2.2.2 Representation requirements</p>	<p><b>28 Rules respecting directors</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  ...  (c) establishing regions for the election of directors;</p>	<ul style="list-style-type: none"> <li>• Rule to establish regions (or another director representation requirement)</li> <li>• LSBC Rules, Rule 1-21</li> </ul>	
<p>3.2.2.3 Candidate eligibility</p>	<p><b>28 Rules respecting directors</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  (a) establishing procedures for the election of directors under section 8 (1) (a), (b) or (c) [<i>board of directors</i>];</p>	<ul style="list-style-type: none"> <li>• Rule(s) on what requirements need to be met for candidate to run for election</li> <li>• LSBC Rules, Rules 1-22 and 1-23</li> <li>• SNPBC Bylaws, Bylaw 5.03</li> </ul>	
<p>3.2.2.4 Nomination process</p>	<p><b>28 Rules respecting directors</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  (a) establishing procedures for the election of directors under</p>	<ul style="list-style-type: none"> <li>• Rules on how process of how persons are nominated for election</li> <li>• LSBC Rules, Rule 1-23</li> <li>• SNPBC Bylaws, Bylaw 5.03</li> </ul>	

	section 8 (1) (a), (b) or (c) [ <i>board of directors</i> ];		
3.2.2.5 Screening of candidates	<b>28 Rules respecting directors</b> ... (2) Without limiting subsection (1), the board may make rules as follows: ... (b) establishing a process for the screening of candidates in the election of directors;	<ul style="list-style-type: none"> <li>• Rule(s) on whether post-candidate nomination, if there is a screening process (such as vetting, committee, etc.)</li> </ul>	
3.2.2.6 Voter eligibility	<b>28 Rules respecting directors</b> ... (2) Without limiting subsection (1), the board may make rules as follows: (a) establishing procedures for the election of directors under section 8 (1) (a), (b) or (c) [ <i>board of directors</i> ];	<ul style="list-style-type: none"> <li>• Rules on who is qualified to vote (practising, non-practising, trainee, etc.), and for whom (e.g. lawyer for lawyer)</li> <li>• LSBC Rules, Rules 1-25 and 1-26</li> <li>• SNPBC Bylaws, Bylaw 5.01</li> </ul>	
3.2.2.7 Voting process	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on how the vote should occur (format, length open, how majority determined)</li> <li>• LSBC Rules, Rules 1-27, 1-28 and 1-30</li> <li>• SNPBC Bylaws, Bylaws 5.05 and 5.07</li> </ul>	
3.2.2.8 Tie vote	Same as above.	<ul style="list-style-type: none"> <li>• Rule on what to do in case of tie</li> <li>• LSBC Rules, Rules 1-34(2), 1-38 and 1-39</li> <li>• SNPBC Bylaws, Bylaw 5.08</li> </ul>	

3.2.2.9 Acclamation	Same as above.	<ul style="list-style-type: none"> <li>• Rule on if number of candidates does not exceed number of director positions</li> <li>• LSBC Rules, Rule 1-24</li> </ul>	
3.2.3 Appointment of directors	<b>28 Rules respecting directors</b> (1) The board may make rules respecting directors.		
3.2.3.1 Nomination process	<b>28 Rules respecting directors</b> ... (2) Without limiting subsection (1), the board may make rules as follows: ... (f) establishing a process for the screening and nomination of persons to be appointed under section 8 (1) (e);	<ul style="list-style-type: none"> <li>• Rule(s) on how persons may nominate themselves to be appointed (i.e. application)</li> </ul>	
3.2.3.2 Staggering of appointments	<b>28 Rules respecting directors</b> ... (2) Without limiting subsection (1), the board may make rules as follows: ... (g) respecting terms of office for directors appointed under section 8 (1) (c) (i) and (e), including the staggering of terms of office;	<ul style="list-style-type: none"> <li>• Rule(s) on how the appointments are staggered, including timing with elections of directors</li> </ul>	
3.2.3.3 Screening of nominees	<b>28 Rules respecting directors</b> ... (2) Without limiting subsection (1), the board may make rules as follows: ...	<ul style="list-style-type: none"> <li>• Rule(s) on how nominees will be screened (e.g. by board, committee, interview, etc.)</li> </ul>	

	(f) establishing a process for the screening and nomination of persons to be appointed under section 8 (1) (e);		
3.2.3.4 Appointment process	<b>28 Rules respecting directors</b> (1) The board may make rules respecting directors.	<ul style="list-style-type: none"> <li>• Rule(s) specifying how appointments may be made</li> <li>• SNPBC Bylaws, Bylaws 5.12 and 5.15</li> </ul>	
3.2.4 Appointment of chair and vice chair	<b>9 Powers and duties of board</b> ... (2) The board must appoint a chair from among the directors. <b>28 Rules respecting directors</b> ... (2) Without limiting subsection (1), the board may make rules as follows: ... (h) establishing procedures for the appointment of a chair and specifying the term of office, powers and duties of the chair	<ul style="list-style-type: none"> <li>• Rule(s) relating to the chair of the board</li> </ul>	
3.2.4.1 Eligibility of chair and vice chair	Same as above.	<ul style="list-style-type: none"> <li>• Rule on who may serve as chair or vice chair</li> <li>• LSBC Rules, Rule 1-19</li> <li>• SNPBC Bylaws, Bylaw 5.13</li> </ul>	
3.2.4.2 Term limit of chair	Same as above.	<ul style="list-style-type: none"> <li>• Rule on how long the chair's term is (e.g. 1 year, 2 years, renewable, etc.)</li> <li>• LSBC Rules, Rule 1-5(1)</li> </ul>	
3.2.4.3. Election of chair and vice chair	Same as above.	<ul style="list-style-type: none"> <li>• LSBC Rules, Rule 1-5(3)</li> <li>• SNPBC Bylaws, Bylaw 5.13</li> </ul>	

3.2.4.4. Chair and vice chair powers and duties	Same as above.	<ul style="list-style-type: none"> <li>• Rule specifying powers and duties of the chair (potentially specific to board powers, but note that often chair powers are incorporated into specific rules, such as power to appoint the chair of an established committee)</li> </ul>	
3.2.4.5 Removal of chair and vice chair	<p><b>27 General rule-making authority of board</b>  (1) The board may make any rules that it considers necessary or advisable for the performance of the duties of the regulator under section 6 (1) [<i>duties of regulator</i>].</p>	<ul style="list-style-type: none"> <li>• Rule on how to remove a chair (separate from how to remove a director)</li> <li>• LSBC Rules, Rule 1-6</li> </ul>	
3.2.5 Establishment of standing committees	<p><b>9 Powers and duties of board</b>  ...  (3) The board may establish committees to assist the board.</p>	<ul style="list-style-type: none"> <li>• Rules that establish additional committees</li> <li>• Include purpose, powers, and membership of committees</li> </ul>	
3.2.5.1 Executive committee	<p><b>10 Executive committee</b>  (1) Without limiting section 9 (3), the board may establish an executive committee.</p>	<ul style="list-style-type: none"> <li>• Rule(s) establishing the executive committee</li> <li>• LSBC Rules, Rules 1-41 and 1-50</li> <li>• SNPBC Bylaws, Bylaws 8.02 and 8.09</li> </ul>	<ul style="list-style-type: none"> <li>• <b><u>May:</u></b></li> <li>• <b>10 Executive committee</b></li> <li>• <i>While the Notaries Society does not have an executive committee, the Law Society does. The Law Society's executive committee is the only committee mandated by the current Legal Profession Act, and its composition and authority are set out in Law Society rules 1-50 and 1-51. Overall, the existence of the Law Society executive committee is due to the fact that the Law Society has a board of 31. Whether Legal Professions BC, with only 17 directors,</i></li> </ul>

			<i>requires an executive committee is a decision that for direction from the transition team.</i>
3.2.5.1.1 Chair	<p><b>27 General rule-making authority of the board</b>  (1) The board may make any rules that it considers necessary or advisable for the performance of the duties of the regulator under section 6 (1) [<i>duties of regulator</i>].</p> <p><b>28 Rules respecting directors</b>  (1) The board may make rules respecting directors.</p>	<ul style="list-style-type: none"> <li>• Rule on how Executive Committee's chair is elected/appointed</li> <li>• LSBC Rules, Rule 1-50</li> <li>• SNPBC Bylaws, Bylaw 8.03</li> </ul>	
3.2.5.1.2 Powers and duties	<p><b>9 Powers and duties of board</b>  ...  (4) For the purposes of subsection (1), the board may delegate any power or duty of the board or the regulator to the chief executive officer or to a committee of the board, except the following:  (a) the power to establish committees of the board;  (b) the power to pass resolutions and make rules;  (c) the duty to appoint a chief executive officer;  (d) the duty to appoint a tribunal chair.</p>	<ul style="list-style-type: none"> <li>• LSBC Rules, Rule 1-51</li> <li>• SNPBC Bylaws, Bylaw 8.09</li> </ul>	
3.2.5.2 Finance committee	<p><b>9 Powers and duties of board</b>  ...</p>	<ul style="list-style-type: none"> <li>• Rule establishing the finance committee</li> <li>• LSBC Rules, Rule 1-49</li> </ul>	

	(3) The board may establish committees to assist the board.	<ul style="list-style-type: none"> <li>• SNPBC Bylaws, Bylaw 8.02(d)</li> </ul>	
3.2.5.2.1 Chair	<p><b>27 General rule-making authority of the board</b></p> <p>(1) The board may make any rules that it considers necessary or advisable for the performance of the duties of the regulator under section 6 (1) [<i>duties of regulator</i>].</p> <p>28 Rules respecting directors</p> <p>(1) The board may make rules respecting directors.</p>	<ul style="list-style-type: none"> <li>• Rule on who chairs the finance committee</li> <li>• LSBC Rules, Rule 1-49</li> <li>• SNPBC Bylaws, Bylaw 8.03</li> </ul>	
3.2.5.2.2 Powers and duties	<p><b>9 Powers and duties of board</b></p> <p>...</p> <p>(4) For the purposes of subsection (1), the board may delegate any power or duty of the board or the regulator to the chief executive officer or to a committee of the board, except the following:</p> <p>(a) the power to establish committees of the board;</p> <p>(b) the power to pass resolutions and make rules;</p> <p>(c) the duty to appoint a chief executive officer;</p> <p>(d) the duty to appoint a tribunal chair.</p>	<ul style="list-style-type: none"> <li>• Rule delegating responsibilities of the finance committee</li> <li>• SNPBC Bylaws, Bylaw 8.12</li> </ul>	
3.2.5.3 Nominating committee	<p><b>9 Powers and duties of board</b></p> <p>...</p>	<ul style="list-style-type: none"> <li>• Rule establishing the nominating committee</li> </ul>	

	<p>(3) The board may establish committees to assist the board.</p> <p><b>28 Rules respecting directors</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(b) establishing a process for the screening of candidates in the election of directors;</p>		
3.2.5.3.1 Chair	<p><b>27 General rule-making authority of the board</b></p> <p>(1) The board may make any rules that it considers necessary or advisable for the performance of the duties of the regulator under section 6 (1) [<i>duties of regulator</i>].</p> <p>28 Rules respecting directors</p> <p>(1) The board may make rules respecting directors.</p>	<ul style="list-style-type: none"> <li>• Rule on who chairs the nominating committee</li> </ul>	
3.2.5.3.2 Powers and duties	<p><b>9 Powers and duties of board</b></p> <p>...</p> <p>(4) For the purposes of subsection (1), the board may delegate any power or duty of the board or the regulator to the chief executive officer or to a committee of the board, except the following:</p> <p>(a) the power to establish committees of the board;</p>	<ul style="list-style-type: none"> <li>• Rule delegating responsibilities of the nominating committee</li> </ul>	

	(b) the power to pass resolutions and make rules; (c) the duty to appoint a chief executive officer; (d) the duty to appoint a tribunal chair.		
3.2.6 Meetings	<b>17 Meetings and quorum</b> (1) The board must meet at least 4 times per year.		
3.2.6.1 When board meeting closed to public	<b>17 Meetings and quorum</b> ... (2) Subject to any rules made under section 28 (2) (j) [ <i>rules respecting directors</i> ], meetings of the board must be open to the public. <b>28 Rules respecting directors</b> ... (2) Without limiting subsection (1), the board may make rules as follows: ... (j) specifying the circumstances in which a meeting of the board may, in whole or in part, be closed to the public.	<ul style="list-style-type: none"> <li>• Rule specifying when a meeting must or may be closed to public</li> <li>• LSBC Rules, Rule 1-16(4)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Must:</b></li> <li>• <b>17 Meetings and quorum</b></li> <li>• <i>Although not yet required by section 17(2) (not yet in force), the transition team has previously agreed that meetings will be open to the public. And the transition team does hold part of each meeting in-camera. Do we need direction from the board regarding rules specifying the circumstances in which a meeting of the board may, in whole or in part, be closed to the public? (section 28(2)(j))</i></li> </ul>
3.2.7 Chief executive officer	<b>20 Appointment of chief executive officer</b> (1) The board must, in accordance with this section, appoint a person as chief executive officer of the regulator.	<ul style="list-style-type: none"> <li>• Rule(s) on how the CEO is appointed, including establishing a nomination committee (if rules required)</li> <li>• SNPBC Bylaws, Bylaw 9.06</li> </ul>	

	(2) The board must establish a committee whose role is to, by consensus, nominate persons for the purpose of an appointment under subsection (1).		
3.2.7.1 Retaining external support	<p><b>21 Duties of chief executive officer</b></p> <p>...</p> <p>(2) The chief executive officer may delegate any of the powers of the chief executive officer under this Act to an officer or employee of the regulator.</p> <p><b>27 General rule-making authority of board</b></p> <p>(1) The board may make any rules that it considers necessary or advisable for the performance of the duties of the regulator under section 6 (1) [<i>duties of regulator</i>].</p>	<ul style="list-style-type: none"> <li>• Rule empowering CEO to delegate authority to external support (legal counsel, consultants, auditors, etc.)</li> <li>• LSBC Rules, Rule 1-44.1</li> </ul>	
<b>PART 4 – INDIGENOUS COUNCIL</b>			
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)	<p><b>27 General rule-making authority of board</b></p> <p>(1) The board may make any rules that it considers necessary or advisable for the performance of the duties of the regulator under section 6 (1) [<i>duties of regulator</i>].</p>	<ul style="list-style-type: none"> <li>• Rule(s) that set out any additional board commitments to the Indigenous council, if established (e.g. agenda contribution or review, etc.)</li> </ul>	
4.2 Rule consultation process (e.g. timing)	<p><b>26 Rules – consultation</b></p> <p>Before making a rule, the board must consult the Indigenous council respecting the extent to</p>	<ul style="list-style-type: none"> <li>• Rule that sets out the process for consultation and at what stage of rule development</li> </ul>	<p><b><u>Must:</u></b></p> <ul style="list-style-type: none"> <li>• Board must consult with Indigenous council before making a rule</li> </ul>

	which the rule accords with the principles set out in section 7 (b) and (c) <i>[guiding principles]</i> .		
<b>PART 5 – LICENSING AND AUTHORITY TO PRACTISE</b>			
5.1 Division 1 – Practice of law	<p><b>27 General rule-making authority of board</b></p> <p>(1) The board may make any rules that it considers necessary or advisable for the performance of the duties of the regulator under section 6 (1) <i>[duties of regulator]</i>.</p>		<ul style="list-style-type: none"> <li>• <b><u>Must:</u></b></li> <li>• <b>7 Guiding principles</b></li> <li>• <i>How will the regulator ensure that the rules and requirements it establishes are consistent with the guiding principles? Does there need to be commentary, confirmation, or certification?</i></li> <li>• <i>UNDRIP and reconciliation at 7(b) call in a need to determine the regulator’s role (if any) regarding Indigenous legal orders. It may be necessary to ensure that the regulator does not undermine Indigenous people’s rights to self-determination and to develop their own cultural institutions. The Indigenous Council may have insight for codifying language that leaves Indigenous legal orders as the jurisdiction of Indigenous peoples. “Legal experts” in an Indigenous legal order may not be a lawyer or someone with a Canadian legal education, and some lawyers may hold themselves as practicing Indigenous law whereas they practice aboriginal law.</i></li> <li>• <i>The transition team may wish to give care to 7(c), that the regulator must have regard to identifying, removing, or preventing barriers to indigenous peoples and other under-represented groups. 7(c) indicates that permissive sections of the act (that say the regulator “may”) are still required to be considered by the transitional team if there is evidence raised that barriers will be perpetuated for</i></li> </ul>

			<i>under-represented groups without a new rule being drafted.</i>
5.1.1 Legal information definition	Same as above.	<ul style="list-style-type: none"> <li>• Rule providing the definition of the provision of legal information</li> </ul>	
5.2 Division 2 – Authority to practise law	Same as above.		
5.2.1 Unauthorized practice	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) related to the UAP policy paper, including licensees not facilitating unauthorized practice, etc.</li> <li>• LSBC Rules, Rule 2-14</li> <li>• SNPBC Rules, Rule 13.03</li> </ul>	
5.2.2 Authority to practise	<p><b>44 Rules respecting authority to practise</b></p> <p>The board may make rules as follows:</p> <p>(a) specifying the activities persons practising law under section 38 (1) (c) [<i>exceptions from prohibition against unauthorized practice</i>] may perform in the course of practising law;</p> <p>(b) describing the circumstances in which persons described in section 38 (1) (f) to (h) may be authorized to practise law;</p> <p>(c) specifying the activities persons authorized to practise law under paragraph (b) of this section may perform in the course of practising law.</p>	<ul style="list-style-type: none"> <li>•</li> </ul>	

<p>5.2.2.1 Practice of law by supervised employee</p>	<p><b>38 Exceptions from prohibition against unauthorized practice</b>  (1) Section 37 does not apply to any of the following persons:  ...  (c) a person who  ...  (iii) practises law as permitted by the rules;  <b>44 Rules respecting authority to practise</b>  The board may make rules as follows:  (a) specifying the activities persons practising law under section 38 (1) (c) [<i>exceptions from prohibition against unauthorized practice</i>] may perform in the course of practising law;</p>	<ul style="list-style-type: none"> <li>• Rule(s) on what activities supervised employees may do</li> <li>• May be restrictive (i.e. may not) or permissive, with more detailed supervision requirements</li> <li>• LSBC Rules, Rule 2-13</li> <li>• BC Code (LSBC), Section 6.1</li> <li>• SNPBC Rules, Section 13</li> </ul>	
<p>5.2.3 Mobility of legal professions</p>	<p><b>38 Exceptions from prohibition against unauthorized practice</b>  (1) Section 37 does not apply to any of the following persons:  ...  (f) a person authorized to practise law in another jurisdiction who is authorized, in accordance with the rules, to practise law in British Columbia and who practises law in accordance with the rules;</p>	<ul style="list-style-type: none"> <li>• Rule(s) that allow for the mobility of the legal professions across Canadian jurisdictions</li> </ul>	

	<p><b>44 Rules respecting authority to practise</b> The board may make rules as follows: ... (b) describing the circumstances in which persons described in section 38 (1) (f) to (h) may be authorized to practise law;</p>		
5.2.3.1 Lawyers	Same as above.	<ul style="list-style-type: none"> <li>• LSBC Rules, Rules 2-15 to 2-27, 2—27.1, and 2-37</li> </ul>	
5.2.3.2 Regulated paralegals	Same as above.		
5.2.4 Canadian legal advisors	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) that allow for the recognition of and mobility of Canadian legal advisors, including defining the scope of practice</li> <li>• LSBC Rules 2-35 and 2-36</li> </ul>	
5.2.5 Practitioners of foreign law	<p><b>38 Exceptions from prohibition against unauthorized practice</b> (1) Section 37 does not apply to any of the following persons: ... (g) a practitioner of foreign law who is authorized, in accordance with the rules, to practise law in British Columbia and who practises law in accordance with the rules;</p> <p><b>44 Rules respecting authority to practise</b></p>	<ul style="list-style-type: none"> <li>• Rule(s) that allow for the recognition of and authorization of practitioners of foreign law in BC</li> <li>• LSBC Rules 2-28 to 2-34</li> </ul>	

	<p>The board may make rules as follows:</p> <p>...</p> <p>(b) describing the circumstances in which persons described in section 38 (1) (f) to (h) may be authorized to practise law;</p>		
5.2.6 Non-practising licensee	<p><b>38 Exceptions from prohibition against unauthorized practice</b></p> <p>(1) Section 37 does not apply to any of the following persons:</p> <p>...</p> <p>(h) a non-practising licensee who practises law in accordance with the rules;</p> <p><b>44 Rules respecting authority to practise</b></p> <p>The board may make rules as follows:</p> <p>...</p> <p>(b) describing the circumstances in which persons described in section 38 (1) (f) to (h) may be authorized to practise law;</p>	<ul style="list-style-type: none"> <li>• Rule(s) to recognize when non-practising licensee practises law (e.g. identify either scenario where people may be non-practising for strong reasons but want to provide services with fees (such as legal academics or services in areas of high public need))</li> <li>• LSBC Rules, Rule 2-6</li> </ul>	
5.2.7 Officers of court	<p><b>39 Officers of court</b></p> <p>A licensee is an officer of any court in British Columbia in which a licence permits the licensee to appear.</p> <p><b>44 Rules respecting authority to practise</b></p> <p>The board may make rules as follows:</p>	<ul style="list-style-type: none"> <li>• Rule specifying in licence requirements for those practising law under section 38(1)(f) to (h), who are officers of the court</li> </ul>	

	<p>...</p> <p>(c) specifying the activities persons authorized to practise law under paragraph (b) of this section may perform in the course of practising law.</p>		
5.3 Division 3 – Scopes of practice	<p><b>27 General rule-making authority of board</b></p> <p>(1) The board may make any rules that it considers necessary or advisable for the performance of the duties of the regulator under section 6 (1) [<i>duties of regulator</i>].</p> <p>...</p> <p>(3) The board may make different rules for different legal professions.</p>	<ul style="list-style-type: none"> <li>• Area where legal professions will need to be treated differently</li> </ul>	
5.3.1 Notaries public (if further scope established for amalgamation date)	<p><b>46 Notaries public scope of practice</b></p> <p>(1) A licence to practise law as a notary public permits a licensee to perform, in the course of practising law, the following activities:</p> <p>...</p> <p>(f) an activity, if any, specified in a rule made under section 48 (1) (a) [<i>rules respecting scopes of practice</i>].</p> <p><b>48 Rules respecting scopes of practice</b></p>	<ul style="list-style-type: none"> <li>• Rule listing any expanded scope of practice for notaries public</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Must:</b></li> <li>• <b>316 The following section is added to Division 3 of Part 5 (48.1 rules respecting requirements for drafting of certain wills)</b></li> <li>• <i>When it comes time to draft these rules, they will need to reflect the unique Wills and estates requirements in the Indian Act for Indians who are “ordinarily resident” on a reserve.</i></li> </ul>

	(1) The board may make rules as follows: (a) specifying activities for the purposes of section 46 (1) (f);		
5.3.2 Regulated paralegals (if further scope established for amalgamation date)	<p><b>47 Regulated paralegals scope of practice</b></p> <p>(1) Subject to subsection (2), a licence to practise law as a regulated paralegal permits a licensee to perform, in the course of practising law, the following activities:</p> <p>...</p> <p>(b) an activity specified in a rule made under section 48 (1) (b).</p> <p><b>48 Rules respecting scopes of practice</b></p> <p>(1) The board may make rules as follows:</p> <p>...</p> <p>(b) specifying activities for the purposes of section 47 (1) (b);</p>	<ul style="list-style-type: none"> <li>• Rule(s) listing any expanded regulated paralegal scope of practice</li> <li>• Note – expansion needs to be considered against scope of practice listed in regulation</li> <li>• Potential to create classes of regulated paralegals through scope of practice</li> </ul>	
5.4 Division 4 – Licensing and enrolment			
5.4.1 Eligibility requirements for licensing	<p><b>50 Eligibility requirements for licence or enrolment</b></p> <p>(1) The board must establish eligibility requirements for a licence and for enrolment as a trainee.</p>	<ul style="list-style-type: none"> <li>• Rule(s) that include the following requirements:</li> <li>• (a) education, training, experience and other qualifications;</li> <li>• (b) examinations and assessments;</li> <li>• (c) evidence of a person's suitability for the practice of law.</li> </ul>	

5.4.1.1 Lawyer	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on law school or equivalent, PLTC or equivalent, articling or equivalent, bar exams or equivalent, etc.</li> <li>• LSBC Rules, Rule 2-76</li> </ul>	
5.4.1.2 Notary public	Same as above.	<ul style="list-style-type: none"> <li>• Rules on master's course or equivalent, Notary Education Program or equivalent, statutory exams or equivalent, experiential training or equivalent, etc.</li> <li>• SNPBC Rules, Rule 2.01</li> <li>• SNPBC Bylaws, Bylaw 3.02</li> </ul>	
5.4.1.3 Regulated paralegal	Same as above.	<ul style="list-style-type: none"> <li>• Rules establishing similar requirements for regulated paralegals</li> <li>• Note – need to establish eligibility requirements (at least 1 pathway)</li> <li>• Consider how current paralegals may apply for recognition (potentially ongoing, potentially as transitional provisions)</li> </ul>	
5.4.2 Enrolment as a trainee	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on what is required to be a trainee (distinguish from entry to profession)</li> <li>• Consider how trainees will be recognized if external training provider offered</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Must:</b></li> <li>• <b>50 Eligibility requirements for licence or enrolment</b></li> <li>• <i>In addition to establishing requirements (presumably via rules) for licensing and enrolment, the Act does provide in sections 62 and 63 that the board may make rules about limits, conditions and exemptions as well as when an application for a license or for enrolment as a trainee must be considered by the</i></li> </ul>

			<p><i>licensing committee. The Indigenous council paper on licensing and enrolment recommended that the licensing committee be empowered to review not only exceptional cases referred by the CEO, but also those where an Indigenous candidate requests review or where there is evidence of systemic concern. The Indigenous Council is very concerned with articling left to hiring in the free market and the Professional Legal Training Course presenting as barriers to Indigenous licensees. The Indigenous Council would like the transitional team to consider alternate pathways for developing and displaying the appropriate training and experience, or permissive enrollment rules to address the under-representation of Indigenous and marginalized enrollees. The paper also recommended that rules governing licensing and enrolment must recognize the risk of discretionary exclusion and include procedural safeguards, including written reasons, access to the licensing committee, and the right to respond to concerns through culturally appropriate means. The paper also recommended that the committee be created and that there should be rules in place that establish a clear mandate for the make-up of the committee to fully implement the guiding principles of the Legal Professions Act. The transition team did not discuss or adopt the recommendations at the most recent meeting, so the question is how to move ahead to ensure that the council's perspective is considered before making the rules.</i></p>
5.4.2.1 Lawyer	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on education requirements prior to entry (e.g.</li> </ul>	

		<p>law school or equivalent) and suitability to practice</p> <ul style="list-style-type: none"> <li>• LSBC Rules, Rule 2-54</li> </ul>	
5.4.2.2 Notary public	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on education requirement prior to entry (e.g. master's course or equivalent) and suitability to practice</li> </ul>	
5.4.2.3 Regulated paralegal	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on education required prior to entry (e.g. bachelor's course or equivalent) and suitability to practice</li> </ul>	
5.4.3 Establishment of licensing committee	<p><b>51 Licensing committee</b></p> <p>(1) The board may establish a licensing committee for the following purposes to be carried out in the circumstances described in the rules:</p> <p>(a) reviewing applications;</p> <p>(b) issuing licences;</p> <p>(c) reviewing requests under the rules for enrolment as a trainee;</p> <p>(d) enrolling trainees.</p>	<ul style="list-style-type: none"> <li>• Rule(s) relating to the establishment of the licensing committee (i.e. creating the committee)</li> <li>• LSBC Rules, Rule 2-50</li> <li>• SNPBC Bylaws, Bylaw 8.02(e)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>May:</b></li> <li>• <b>62 Rules respecting licences</b></li> <li>• <b>63 Rules respecting trainees</b></li> <li>• <i>At the June meeting, there was a consensus that the regulator should have a licensing committee. The Act provides that if there is a licensing committee, its function is to review applications, issue licenses, review requests under the rules for enrolment as a trainee and enroll trainees, all of which are to be carried out in the circumstances described in the rules. What the decision of the transition team leaves to be determined is in what circumstances are applications and requests to be reviewed or decided by the licensing committee. The Indigenous council observed in its comment on the June paper on licensing and enrolment that there will need to be in depth discussion on the articling and Professional Legal Training Course elements of entering the legal practice. Specifically, there were several recommendations that merit further discussion by the transition team, including recommendations that the</i></li> </ul>

			<p><i>committee should be authorized to apply trans-systemic, culturally-informed evaluative approaches to licensing and enrolment, to consider cases where an Indigenous candidate requests review or where there is evidence of systemic concern and mandating the collection and publication (in anonymized, aggregate form) statistics on self-identified Indigenous candidates at each major stage of licensing and enrolment. Special consideration may also need to be given to the rules regarding the licensing of notaries public, regulated paralegals and limited licensees as they will need to engage with the scopes of practice and how that may impact the rules and the role of the licensing committee.</i></p>
<p>5.4.3.1 Powers and duties</p>	<p><b>51 Licensing committee</b>  (1) The board may establish a licensing committee for the following purposes to be carried out in the circumstances described in the rules:  (a) reviewing applications;  (b) issuing licences;  (c) reviewing requests under the rules for enrolment as a trainee;  (d) enrolling trainees.  <b>62 Rules respecting licences</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  (a) specifying the circumstances in which an application must be</p>	<ul style="list-style-type: none"> <li>• Rule(s) specifying the role of the licensing committee, such as second option for review, or only addressing applications that meet certain threshold (or fail to meet threshold)</li> <li>• LSBC Rules, Rules 2-51 and 2-52</li> <li>• SNPBC Bylaws, Bylaw 8.13</li> </ul>	

	<p>considered by the licensing committee;</p> <p><b>63 Rules respecting trainees</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(b) specifying the circumstances in which a request for enrolment as a trainee must be considered by the licensing committee;</p>		
5.4.4 Application for licence to practise legal profession	<p><b>52 Licence to practise legal profession</b></p> <p>(1) A person may apply for a licence to practise a legal profession by</p> <p>(a) submitting to the chief executive officer an application in the form and manner required by the chief executive officer, and</p> <p><b>62 Rules respecting licences</b></p> <p>(1) The board may make rules respecting licences.</p>		
5.4.4.1 Process	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) outlining the process of how to apply for a licence</li> <li>• LSBC Rules, Rule 2-77</li> <li>• SNPBC Bylaws, Bylaw 3.02</li> </ul>	
5.4.4.2 When application must be considered by licensing committee	<p><b>52 Licence to practise legal profession</b></p> <p>...</p>	<ul style="list-style-type: none"> <li>• Rule(s) setting out when the licensing committee (if established) must consider an application</li> </ul>	

	<p>(2) On receiving an application under subsection (1), the chief executive officer or, if required by the rules, the licensing committee must do one of the following:</p> <p><b>62 Rules respecting licences</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>(a) specifying the circumstances in which an application must be considered by the licensing committee;</p>	<ul style="list-style-type: none"> <li>• Note – consider this against licensing committee’s role and purpose</li> <li>• LSBC Rules, Rule 2-83</li> <li>• SNPBC Bylaws, Bylaw 3.01</li> </ul>	
5.4.5 Limits and conditions	<p><b>52 Licence to practise legal profession</b></p> <p>...</p> <p>(2) On receiving an application under subsection (1), the chief executive officer or, if required by the rules, the licensing committee must do one of the following:</p> <p>...</p> <p>(b) approve the application subject to limits or conditions on the licence, with written reasons;</p> <p><b>62 Rules respecting licences</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p>	<ul style="list-style-type: none"> <li>• Rule(s) that specify what limits and conditions the CEO or licensing committee may put on a licence (e.g. may practise only in certain areas, or not in other areas, with supervision, etc.)</li> <li>• LSBC Rules, Rule 2-83</li> </ul>	

	<p>...</p> <p>(b) specifying the limits and conditions that may be imposed on licences under section 52 (2) (b) [<i>licence to practise legal profession</i>] or 53 (3) (b) [<i>limited practice licence</i>] and establishing a process for varying or removing a limit or condition;</p>		
5.4.5.1 Process for varying limits and conditions	<p><b>62 Rules respecting licences</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(b) specifying the limits and conditions that may be imposed on licences under section 52 (2) (b) [<i>licence to practise legal profession</i>] or 53 (3) (b) [<i>limited practice licence</i>] and establishing a process for varying or removing a limit or condition;</p>	<ul style="list-style-type: none"> <li>• Rule(s) that establish the process on how to vary limits and conditions, outside of Tribunal review</li> <li>• Consider who considers variance request, and timing of request</li> <li>• LSBC Rules, Rule 2-91</li> </ul>	
5.4.5.2 Application fee	<p><b>52 Licence to practise legal profession</b></p> <p>(1) A person may apply for a licence to practise a legal profession by</p> <p>...</p> <p>(b) paying the application fee established by the board.</p>	<ul style="list-style-type: none"> <li>• Rule that specifies fee must be paid, but specific fee amounts may be set out in schedule or policy</li> <li>• LSBC Rules, Rule 2-77(1)(c)</li> <li>• SNPBC Bylaws, Bylaw 3.02(d)</li> </ul>	

	<p><b>62 Rules respecting licences</b>  (1) The board may make rules respecting licences.</p>		
5.4.6 Application for limited practice licence	<p><b>53 Limited practice licence</b>  ...  (2) A person described in subsection (1) of this section may apply for a limited practice licence by  (a) submitting to the chief executive officer an application in the form and manner required by the chief executive officer, and  <b>62 Rules respecting licences</b>  (1) The board may make rules respecting licences.</p>	<ul style="list-style-type: none"> <li>• Rule(s) on the limited practice licence</li> <li>• Consider whether limited practice licence is “add-on” for a licensee, or if creating an innovation sandbox</li> </ul>	
5.4.6.1 Process	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) that set out process for how to apply for a limited practice licence (e.g. form, timing, etc.)</li> <li>• Consider what requirements needed to be demonstrated and whether those need to be in rules</li> </ul>	
5.4.6.2 Application fee	<p><b>53 Limited practice licence</b>  ...  (2) A person described in subsection (1) of this section may apply for a limited practice licence by  ...  (b) paying the application fee established by the board.</p>	<ul style="list-style-type: none"> <li>• Rule that specifies that fee must be paid, but specific fee amounts may be set out in schedule or policy</li> </ul>	

5.4.7 Request for enrolment as trainee	<p><b>63 Rules respecting trainees</b>  (1) The board may make rules respecting trainees.</p>	<ul style="list-style-type: none"> <li>• Rule(s) on how to apply to be a trainee</li> <li>• Note – this is distinct from the eligibility requirements of a trainee, but potential for rules to be drafted together (i.e. set out requirements, then how to apply) but needs to follow logical order of the Act</li> </ul>	
5.4.7.1 Process	<p><b>63 Rules respecting trainees</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  (a) establishing procedures for enrolment of a person as a trainee;</p>	<ul style="list-style-type: none"> <li>• Rule(s) that set out the application process (e.g. form, timing, etc.)</li> <li>• LSBC Rules, Rule 2-54</li> </ul>	
5.4.7.2 When request must be considered by licensing committee (if role)	<p><b>63 Rules respecting trainees</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  ...  (b) specifying the circumstances in which a request for enrolment as a trainee must be considered by the licensing committee;</p>	<ul style="list-style-type: none"> <li>• Rule(s) setting out when the licensing committee (if established) must consider an application</li> <li>• Note – consider this against licensing committee’s role and purpose</li> <li>• LSBC Rules, Rule 2-56</li> </ul>	
5.4.7.3 Limits and conditions	<p><b>63 Rules respecting trainees</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  ...</p>	<ul style="list-style-type: none"> <li>• Rule(s) that specify what limits and conditions the CEO or licensing committee may put on a trainee (e.g. may practice only in certain areas, or not in other areas, may not perform certain</li> </ul>	

	(e) specifying the limits and conditions that may be imposed on the enrolment of a person as a trainee;	tasks like court appearances, may need further education, etc.) <ul style="list-style-type: none"> <li>• LSBC Rules, Rule 2-56(3)(b)</li> </ul>	
5.4.7.4 Enrolment fee	<b>63 Rules respecting trainees</b> ... (2) Without limiting subsection (1), the board may make rules as follows: ... (c) establishing the enrolment fee for each class of trainee;	<ul style="list-style-type: none"> <li>• Rule that specifies that fee must be paid, but specific fee amounts may be set out in schedule or policy</li> <li>• LSBC Rules, Rule 2-54(1)(e)</li> </ul>	
5.4.8 Review of licensing or enrolment decision (if licensing committee role)	<b>52 Licence to practise legal profession</b> ... (4) The chief executive officer or the licensing committee, as applicable, may, on application or on the initiative of the chief executive officer or the licensing committee, vary or remove a limit or condition imposed under subsection (2) (b) of this section. <b>62 Rules respecting licences</b> ... (2) Without limiting subsection (1), the board may make rules as follows: ... (b) specifying the limits and conditions that may be imposed on licences under section 52 (2) (b) [ <i>licence to practise legal</i>	<ul style="list-style-type: none"> <li>• Rule(s) on how a review of a licensing or enrolment decision may occur, outside and before the review by the Tribunal (i.e. potential use of licensing committee, depending on purpose and role of committee)</li> <li>• Rule(s) may be limited to only reviewing the limits and conditions on a licensee or trainee, and not on reviewing decisions such as denial of application</li> </ul>	

	<p><i>profession]</i> or 53 (3) (b) [<i>limited practice licence]</i> and establishing a process for varying or removing a limit or condition;</p> <p><b>63 Rules respecting trainees</b>  (2) Without limiting subsection (1), the board may make rules as follows:  ...  (b) specifying the circumstances in which a request for enrolment as a trainee must be considered by the licensing committee;</p>		
5.4.8.1 Process	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) establishing the process on how to apply for a review, and who may apply (including timing, cost if any, etc.)</li> <li>• LSBC Rules, Rules 2-56 and 2-91</li> </ul>	
5.4.9 Establishment of in-house education programs for trainees	<p><b>63 Rules respecting trainees</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  ...  (d) establishing, maintaining or endorsing education programs for trainees;</p>	<ul style="list-style-type: none"> <li>• Rule(s) establishing any in-house education programs (e.g. PLTC, NEP)</li> <li>• Rule(s) endorsing any 3<sup>rd</sup> party providers of education programs</li> </ul>	
5.4.9.1 Notary public	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) establishing in-house education program(s) for notaries (e.g. NEP) or endorsing 3<sup>rd</sup> party providers</li> </ul>	

5.4.10 Activities trainees may perform	<p><b>63 Rules respecting trainees</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(f) specifying the activities that trainees of each class may perform in the course of practising law.</p>	<ul style="list-style-type: none"> <li>• Rule(s) on what a trainee for each legal profession may do</li> <li>• Note – trainee scope should not be greater than licensee scope</li> </ul>	
5.4.10.1 Lawyer	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on what a trainee lawyer may perform (e.g. not appearing in certain courts, etc.)</li> <li>• LSBC Rules, Rules 2-60 and 2-71</li> </ul>	
5.4.10.2 Notary public	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on what a trainee notary may perform</li> </ul>	
5.4.10.3 Regulated paralegal	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on what a trainee regulated paralegal may perform</li> </ul>	
5.4.11 Entry into legal profession	<p><b>50 Eligibility requirements for licence or enrolment</b></p> <p>(1) The board must establish eligibility requirements for a licence and for enrolment as a trainee.</p> <p><b>62 Rules respecting licences</b></p> <p>(1) The board may make rules respecting licences.</p>	<ul style="list-style-type: none"> <li>• This section is intended to address the equivalent of “call to the bar” or being added to the roll (i.e. any final requirements such as education, or formalities such as being presented in open court)</li> </ul>	
5.4.11.1 Requirements for entry into legal profession	Same as above.	<ul style="list-style-type: none"> <li>• This section is intended to capture any requirements that are the same across the legal</li> </ul>	

		professions, such as additional education courses	
5.4.11.1.1 All legal professionals	Same as above.	<ul style="list-style-type: none"> <li>• Same as above.</li> </ul>	
5.4.11.1.1.1 Indigenous intercultural competency course (if mandatory for all legal professions upon entry)	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on the requirement to take the ICC before becoming licensed</li> <li>• Note – the mandatory requirement rule may be listed here, but may cross-reference the rule under CPD that creates or endorses the course</li> </ul>	
5.4.11.1.1.2 Practice management course (if mandatory for all legal professions upon entry)	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on requirement to take practice management course (course may need to be different across legal professions, but may not need to be if focused on general standards not specific to scope or practice areas) before becoming licensed</li> <li>• Note – the mandatory requirement rule may be listed here, but may cross-reference the rule under CPD that creates or endorses the course</li> <li>• LSBC Rules, Rule 2-76(1)(b.1)</li> </ul>	
5.4.11.1.2 Lawyer	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on any specific additional requirements for lawyers to be licensed (i.e. additional education, presented in court, etc.)</li> </ul>	

		<ul style="list-style-type: none"> <li>• LSBC Rules, Rules 2-77 to 2-82 and 2-84</li> </ul>	
5.4.11.1.3 Notary public	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on any specific additional requirements for notaries to be licensed (i.e. additional education, reference letter, presented in court or added to roll)</li> <li>• SNPBC Bylaws, Bylaw 3.02</li> </ul>	
5.4.11.1.4 Regulated paralegal	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on any specific additional requirements for regulated paralegals to be licensed (i.e. additional education, equivalent ceremony if required)</li> </ul>	
5.4.12 Non-practising licence	<p><b>62 Rules respecting licences</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(c) establishing requirements and procedures for the transition from a practising licence to a non-practising licence and from a non-practising licence to a practising licence;</p>	<ul style="list-style-type: none"> <li>• This section relates to the process from moving from practising to non-practising and back again (e.g. parental leave)</li> </ul>	
5.4.13 Return to practice	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on how a licensee may return to practice</li> <li>• LSBC Rules, Rules 2-88 and 2-89</li> <li>• SNPBC Rules, Rule 2.04</li> </ul>	

5.4.13.1 Time considerations	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on the timing of return to practice, such as how time spent non-practising may impact the conditions of return (below)</li> <li>• Consider whether time is suitable measure or if better alternative exists</li> <li>• LSBC Rules, Rules 2-88 and 2-89</li> <li>• SNPBC Rules, Rules 2.05 to 2.08</li> </ul>	
5.4.13.2 Conditions on returning to practice	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on any conditions or requirements for returning to practice</li> <li>• LSBC Rules, Rules 2-89 and 2-90</li> <li>• SNPBC Rules, Rules 2.04 to 2.12</li> </ul>	
5.4.13.2.1 Education, experience or supervision requirements	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on requirements, such as education or supervision, related to time considerations (or otherwise)</li> </ul>	
5.4.14 Reinstatement	<b>62 Rules respecting licences</b> (1) The board may make rules respecting licences.	<ul style="list-style-type: none"> <li>• This section is intended to address when a person no longer has a licence (i.e. not non-practising, but was a licensee at some stage)</li> <li>• SNPBC Rules, Rules 2.04 to 2.12</li> </ul>	
5.4.14.1 Cancelled licence	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on the limits and conditions of a cancelled</li> </ul>	

		<p>licensee (i.e. disbarred licensee) may return to practice (e.g. timing of application, process, etc.)</p> <ul style="list-style-type: none"> <li>• LSBC Rules, Rules 2-85 and 2-86</li> </ul>	
5.4.14.2 Former judge or associate judge	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on the limits and conditions on former judges and associate judges returning to practice</li> <li>• LSBC Rules, Rule 2-87</li> </ul>	
5.4.15 Annual fees	<p><b>56 Annual fee</b></p> <p>(1) Subject to subsections (3) and (4), a licensee must, each year, pay to the regulator an annual fee consisting of</p> <p>(a) a practice fee in the amount set by the board, and</p> <p>(b) the indemnity fee, unless the licensee is exempt from paying the indemnity fee under a rule made under section 143 (2) (c) [<i>rules respecting indemnification</i>].</p>	<ul style="list-style-type: none"> <li>• Rule(s) on the annual fee, but the actual amounts may be set out in a schedule or policy</li> </ul>	
5.4.15.1 Practice fees for licence types	<p><b>27 General rule-making authority of board</b></p> <p>...</p> <p>(4) The board may</p> <p>...</p> <p>(b) make different rules for different licences, persons, entities, things, activities, transactions or circumstances</p>	<ul style="list-style-type: none"> <li>• Rule(s) setting out the payment of the annual practice fee and indemnification fee by licensees (amounts may be listed in schedule or policy)</li> <li>• Rule should mandate that all licensees must pay, then indicate exemptions</li> </ul>	

	and for different classes of licences, persons, entities, things, activities, transactions or circumstances. <b>56 Annual fee</b> (1) Subject to subsections (3) and (4), a licensee must, each year, pay to the regulator an annual fee consisting of (a) a practice fee in the amount set by the board, and (b) the indemnity fee, unless the licensee is exempt from paying the indemnity fee under a rule made under section 143 (2) (c) [ <i>rules respecting indemnification</i> ].		
5.4.15.1.1 Lawyer	Same as above.	<ul style="list-style-type: none"> <li>• LSBC Rules, Rule 2-105</li> </ul>	
5.4.15.1.2 Notary public	Same as above.	<ul style="list-style-type: none"> <li>• SNPBC Rules, Rules 3.13 to 3.17</li> </ul>	
5.4.15.1.3 Regulated paralegal	Same as above.		
5.4.15.2 Non-practising fees	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on class non-practising licensee class fees</li> </ul>	
5.4.15.3 Exemptions	<b>56 Annual fee</b> ... (4) A licensee may be exempt from paying all or part of the annual fee in accordance with any rules made under section 62 (2) (d) [ <i>rules respecting licences</i> ]. <b>62 Rules respecting licences</b>	<ul style="list-style-type: none"> <li>• Rule(s) on exemptions for either or both practice fee or indemnification fee</li> </ul>	

	<p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(d) respecting exemptions for the purpose of section 56 (4) [<i>annual fee</i>];</p>		
5.4.15.3.1 Exemptions from practice fee	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) exempting or reducing the practice fee for certain licensees or classes of licensees</li> <li>• LSBC Rules, Rule 2-105.1</li> </ul>	
5.4.15.3.2 Exemptions from indemnification fee	<p><b>56 Annual fee</b></p> <p>(1) Subject to subsections (3) and (4), a licensee must, each year, pay to the regulator an annual fee consisting of</p> <p>...</p> <p>(b) the indemnity fee, unless the licensee is exempt from paying the indemnity fee under a rule made under section 143 (2) (c) [<i>rules respecting indemnification</i>].</p> <p><b>143 Rules respecting indemnification</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p>	<ul style="list-style-type: none"> <li>• Rule(s) exempting or reducing the indemnification fee for certain licensees or classes of licensees</li> <li>• LSBC Rules, Rule 3-43</li> </ul>	

	(c) exempting a class of licensees from the requirement to maintain professional liability indemnification, trust protection indemnification or any other type of indemnification or from payment of all or part of the indemnity fee;		
5.4.15.3.3 Payment by instalments	<p><b>62 Rules respecting licences</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(e) for the purpose of section 56, allowing for the payment of the annual fee by instalments;</p>	<ul style="list-style-type: none"> <li>• Rule(s) on when instalments may be paid, by whom, and how to inform regulator</li> <li>• LSBC Rules, Rule 2-105</li> </ul>	
5.4.16 Registry	<p><b>61 Registry</b></p> <p>The chief executive officer must establish and maintain on a publicly available website a registry in which, subject to any rules made under section 62 (2) (f), the following information must be entered:</p>		<ul style="list-style-type: none"> <li>• <b>May:</b></li> <li>• <b>61 Registry</b></li> <li>• <i>Section 61 requires the CEO to maintain an online registry in which certain mandated information must be maintained, including notation of suspensions, disbarments or cancellations of a license and other disciplinary outcomes. However, section 61(h) provides that more information may be made available on the registry. A recent article by the Investigative Journalism Bureau at the University of Toronto describes instances where information known to the Law Society of Ontario was not made publicly available. The reasons for not disclosing the information were valid, but so were reasons for making the information publicly available. (See <a href="#">What the Law Society of Ontario isn't telling you about</a></i></li> </ul>

			<p><i><a href="#">your lawyer - Investigative Journalism Bureau.</a>) At the May meeting, the transition team agreed that there should not be a blanket policy of disclosure or publication of complaints information in a public registry. However, the transition team did agree that there may be a policy that information about certain types of complaints would be made public. Further direction may be required to fulfill that latter part of the direction from the transition team. These discussions should consider both the public interest in transparency, but also that there is data that implies that racialized and indigenous lawyers face more discrimination. Therefore, the transition team should decide on the extent of disclosure with a mind to potential prejudicial effects on marginalized licensees.</i></p>
5.4.16.1 Exceptions to publication	<p><b>62 Rules respecting licences</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  ...  (f) for the purpose of section 61,  ...  (iii) establishing exceptions to the application of section 61.</p>	<ul style="list-style-type: none"> <li>• Rule(s) that specify when information should be kept out of the registry (e.g. certain regulatory results past a set date from previous regulators)</li> <li>• LSBC Rules, Rules 2-104, 4-20.1 and 4-49</li> <li>• SNPBC Rules, Rules 9.13-9.21</li> </ul>	
5.4.16.2 Period of publication	<p><b>62 Rules respecting licences</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  ...  (f) for the purpose of section 61,</p>	<ul style="list-style-type: none"> <li>• Rule(s) that limit or specify how long certain information must remain in registry (e.g. cancelled licensees may be indefinite, administrative penalties for X years, etc.)</li> </ul>	

	... (ii) establishing a period during which information in relation to a licensee or former licensee must be included in the registry, and		
5.4.17 Practice specialities (if determined for amalgamation date)	<p><b>64 Rules respecting practice specialities</b></p> <p>(1) The board may make rules respecting the recognition of specialities in one or more areas of the practice of law.</p>	<ul style="list-style-type: none"> <li>This section is intended to address the creation of practice specialities, distinct from the recognition of designated practice areas</li> </ul>	<ul style="list-style-type: none"> <li><b>May:</b></li> <li><b>62 Rules respecting practice specialities</b></li> <li><i>Neither the Law Society nor the Notaries Society currently provide for the recognition of specialties and, in general, Canadian law societies have not established licensing specialties. The notable exception is the Law Society of Ontario which has a certified specialist program that recognizes lawyer licensees who have met established standards of experience and knowledge requirements in one or more designated areas of law and have maintained exemplary standards of professional practice. However, even the LSO program is not truly a specialist program, in the sense that lawyers who do not qualify as certified specialists may still practice in the relevant areas of practice; they just may not hold themselves out as specialists.</i></li> <li><i>Neither the Law Society nor the Notaries Society designate areas of practice where a member may not practice unless qualified in accordance with a rule. The only exception is mentioned specifically in section 64(3) in relation to family law disputes.</i></li> <li><i>While s.64(2) seems to contemplate a program similar to Ontario, direction from the transition team might be useful in addressing whether to recognize any specialty or designate an area of practice that requires specific qualifications, particularly with</i></li> </ul>

			<p><i>respect to the provision of legal services to Indigenous clients, and whether any of them should be exclusive licenses in the sense that one cannot provide the designated legal services without being a specialist.</i></p> <ul style="list-style-type: none"> <li><i>Anecdotally, there is a trend of some law firms and lawyers holding themselves as Indigenous law experts when in fact they practice Aboriginal Law. It may not be in the purview of the regulator however, to be the arbiter of Indigenous legal order specialty because Indigenous nations have their own legal experts that do not reflect a western lawyer, or it could serve as a barrier to First Nations revitalizing their legal orders with the help of lawyers. This topic will be a developing one for the Indigenous Council to provide insight on.</i></li> </ul>
<p>5.4.17.1 Designated practice specialties</p>	<p><b>64 Rules respecting practice specialties</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  (a) designating practice specialties, including a specialty in providing legal services to Indigenous clients, and providing that licensees or law firms must not hold themselves out as a specialist in an area or type of practice unless they are qualified and certified in accordance with a rule made under paragraph (b);</p>	<ul style="list-style-type: none"> <li>• Rule(s) that establish a practice speciality area</li> <li>• Consider whether specializations may exist across legal professions, or if need to be specific to a profession (or more than one but not all)</li> </ul>	

<p>5.4.17.1.1 Qualification for specialization(s)</p>	<p><b>64 Rules respecting practice specialties</b> ... (2) Without limiting subsection (1), the board may make rules as follows: ... (b) providing for the qualification and certification of licensees in a practice specialty designated under paragraph (a).</p>	<ul style="list-style-type: none"> <li>• Rule(s) that set out the requirements for qualifying for each specialization</li> </ul>	
<p>5.4.17.1.2 Certification of specialization(s)</p>	<p>Same as above.</p>	<ul style="list-style-type: none"> <li>• Rule(s) that set out the process to be certified for each specialization (i.e. application process)</li> </ul>	
<p>5.4.17.1.3 Restrictions on claiming to be specialized</p>	<p><b>64 Rules respecting practice specialties</b> ... (2) Without limiting subsection (1), the board may make rules as follows: (a) designating practice specialties, including a specialty in providing legal services to Indigenous clients, and providing that licensees or law firms must not hold themselves out as a specialist in an area or type of practice unless they are qualified and certified in accordance with a rule made under paragraph (b);</p>	<ul style="list-style-type: none"> <li>• Rule(s) that restrict the use of terms related to the established specializations</li> <li>• Consider consequences for use of restricted term</li> <li>• LSBC Rules, Rule 3-34</li> <li>• SNPBC Rules, Rule 15.03</li> </ul>	

<p>5.4.18 Restricted areas of practice</p>	<p><b>65 Rules respecting restricted areas of practice</b>  (1) The board may make rules respecting restricted areas of practice for lawyers.</p>	<ul style="list-style-type: none"> <li>• This section is intended to address restricted areas of practice for lawyers only</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Must:</b></li> <li>• <b>65 Rules respecting restricted areas of practice</b></li> <li>• <i>Section 65(3) reflects the origin of Law Society rules 3-35 to 3-38 which, in turn, are the compromise worked out with the government regarding lawyers acting as family law dispute professionals under the Family Law Act. Family Law Act Regulations, sections 4 to 6 provide that a family law mediator, arbitrator or parenting coordinator includes a member in good standing of the Law Society of British Columbia and meets all the training and practice requirements set for them by the Law Society of British Columbia. It is worth noting that the transition provisions do not provide for an amendment to the Family Law Act or the regulations to include notaries public, regulated paralegals or limited licenses. Rules need to be made, but the transition team should consider whether an amendment to the Family Law Regulations is required.</i></li> <li>• <i>Rules 3-35 to 3-38 are silent on knowledge of the over-representation of Indigenous children in care and the systemic, intergenerational harms the child and family welfare systems have had on indigenous families. Additionally, pursuant to bill C-92 An Act Respecting First Nations, Inuit and Metis children, youth and families there are several First Nations in BC that have drafted their own child and family services legislation under their indigenous legal order but incorporating the Provincial courts. Qualifications to do work in these areas should require competency with the relevant First Nations legislation. The policies and rules should be drafted</i></li> </ul>
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			<i>with input from the Indigenous Council to try to ameliorate these deficiencies.</i>
5.4.18.1 Designated restricted areas of practice	<p><b>65 Rules respecting restricted areas of practice</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>(a) designating restricted areas of practice and providing that lawyers must not practise law in a restricted area of practice unless they are qualified in accordance with a rule made under paragraph (b);</p>	<ul style="list-style-type: none"> <li>• Rule(s) on the designated areas of lawyer practice</li> <li>• LSBC Rules, Rules 3-33 to 3-38</li> </ul>	
5.4.18.1.1 Family law mediator	<p><b>65 Rules respecting restricted areas of practice</b></p> <p>...</p> <p>(3) The board must make rules respecting the qualifications a licensee must have to do any of the following in relation to a family law dispute as defined in section 1 of the <i>Family Law Act</i>:</p> <p>(a) conduct a mediation;</p>	<ul style="list-style-type: none"> <li>• Rule(s) establishing a designated area of practice of family law mediator (and what they may do)</li> <li>• LSBC Rule, Rule 3-35</li> </ul>	
5.4.18.1.2 Family law arbitrator	<p><b>65 Rules respecting restricted areas of practice</b></p> <p>...</p> <p>(3) The board must make rules respecting the qualifications a licensee must have to do any of the following in relation to a</p>	<ul style="list-style-type: none"> <li>• Rule(s) establishing a designated area of practice of family law arbitrator (and what they may do)</li> <li>• LSBC Rules, Rule 3-36</li> </ul>	

	family law dispute as defined in section 1 of the <i>Family Law Act</i> : ... (b) conduct an arbitration;		
5.4.18.1.3 Family law parenting coordinator	<b>65 Rules respecting restricted areas of practice</b> ... (3) The board must make rules respecting the qualifications a licensee must have to do any of the following in relation to a family law dispute as defined in section 1 of the <i>Family Law Act</i> : ... (c) act as a parenting coordinator as defined in section 1 of that Act.	<ul style="list-style-type: none"> <li>• Rule(s) establishing a designated area of practice of family law parenting coordinator (and what they may do)</li> <li>• LSBC Rules, Rule 3-37</li> </ul>	
5.4.18.2 Qualification for designated restricted areas of practice	<b>65 Rules respecting restricted areas of practice</b> ... (2) Without limiting subsection (1), the board may make rules as follows: ... (b) providing for the qualification of lawyers in a restricted area of practice designated under paragraph (a).	<ul style="list-style-type: none"> <li>• Rule(s) on how to qualify for each designated area of practice</li> </ul>	
5.4.18.2.1 Family law mediator	<b>65 Rules respecting restricted areas of practice</b> ... (3) The board must make rules respecting the qualifications a	<ul style="list-style-type: none"> <li>• Rule(s) on requirements to be family law mediator (practice experience, time in practice, education)</li> </ul>	

	licensee must have to do any of the following in relation to a family law dispute as defined in section 1 of the <i>Family Law Act</i> : (a) conduct a mediation;	<ul style="list-style-type: none"> <li>• LSBC Rules, Rules 3-35 and 3-38</li> </ul>	
5.4.18.2.2 Family law arbitrator	<p><b>65 Rules respecting restricted areas of practice</b></p> <p>...</p> <p>(3) The board must make rules respecting the qualifications a licensee must have to do any of the following in relation to a family law dispute as defined in section 1 of the <i>Family Law Act</i>: ...</p> <p>(b) conduct an arbitration;</p>	<ul style="list-style-type: none"> <li>• Rule(s) on requirements to be family law arbitrator (practice experience, time in practice, education)</li> <li>• LSBC Rules, Rules 3-36 and 3-38</li> </ul>	
5.4.18.2.3 Family law parenting coordinator	<p><b>65 Rules respecting restricted areas of practice</b></p> <p>...</p> <p>(3) The board must make rules respecting the qualifications a licensee must have to do any of the following in relation to a family law dispute as defined in section 1 of the <i>Family Law Act</i>: ...</p> <p>(c) act as a parenting coordinator as defined in section 1 of that Act.</p>	<ul style="list-style-type: none"> <li>• Rule(s) on requirements to be family law parenting coordinator (practice experience, time in practice, education)</li> <li>• LSBC Rules, Rule 3-37 and 3-38</li> </ul>	
5.4.19 Undertakings (if needed outside of individual rules)	<p><b>67 Rules respecting undertakings</b></p>	<ul style="list-style-type: none"> <li>• Rule(s) on when licensees may give or accept (or not) undertakings</li> <li>• LSBC Rules, Rules 2-5 and 2-60</li> </ul>	<ul style="list-style-type: none"> <li>• <b>May:</b></li> <li>• <b>67 Rules respecting undertakings</b></li> <li>• <i>In one sense, an undertaking is just a promise with consequences. However, both the Law Society's Code</i></li> </ul>

	<p>The board may make rules respecting the giving and acceptance of undertakings.</p>	<ul style="list-style-type: none"> <li>• SNPBC Rules, Rules 11.01 to 11.06</li> </ul>	<p><i>of Professional and the Notaries Society 's Principles &amp; Guidelines for Ethical &amp; Professional Conduct support the strict fulfillment of such promises and the consequences of failing to do so. Direction from the transition team on whether any rules or code requirements regarding the provision and acceptance of undertakings should apply equally to all licensees would be helpful.</i></p> <ul style="list-style-type: none"> <li>• <i>Both the Law Society and Notaries Society codes impose an obligation to report a breach of an undertaking. The Notaries Society code provision provides the obligation to report arises only in situations which have a reasonable likelihood of causing serious damage to clients or the notarial profession where the Law Society code provision precludes reporting only where it would involve a breach of solicitor-client confidentiality or privilege. Direction from the transitional team would be helpful on whether and if so, when and how, an alleged breach of undertaking needs be reported to the regulator.</i></li> </ul>
<b>PART 6 – PROFESSIONAL CONDUCT, COMPETENCE AND DISCIPLINE</b>			
<p>6.1 Division 1 - Professional conduct and competence</p>	<p><b>74 Rules respecting competence, professional conduct and financial responsibility</b>  (1) The board must make rules respecting competence, professional conduct and financial responsibility.</p>		<ul style="list-style-type: none"> <li>• <b>Must:</b></li> <li>• <b>70 Code of professional conduct</b></li> <li>• <i>A simple sentence that belies the scope of work required. The new Act makes clear that "professional misconduct" specifically includes a marked departure from the standards of professional conduct established in the code of professional conduct and that "professional conduct violation" includes an act that contravenes, inter alia, the code of professional conduct in a manner that does not constitute professional misconduct or conduct unbecoming a</i></li> </ul>

			<p><i>professional. While the Law Society’s code of professional conduct and the Notaries Society’s principles &amp; guidelines for ethical &amp; professional conduct have been important in setting the expected standard of conduct for lawyers and notaries respectively, the new Act arguably elevates the significance of failure to abide by the code beyond what is currently the case. At the May 2025 meeting, the transition team directed that there should be a single set of rules that would apply to the regulated professions and that the Federation’s model code in combination with the Law Society of BC’s code would be the basis for the development of a code of professional conduct for Legal Professions BC. While the directions are clear, there remains for discussion the process for developing the new code and whether there are any instances where further direction from the transition team will be required?</i></p> <ul style="list-style-type: none"> <li>• <i>The Indigenous Council would like the Code of Professional Conduct to be created mindful of how “Professionalism” has a history of creating an over-representation of negative outcomes for marginalized peoples. As well, there should be provisions around false claims of Indigenous identity in licensees to prevent non-indigenous people from “gaming” the indigenous provisions. Additionally, Law Society of BC reporting indicates that Indigenous clients are less likely to report issues to the Law Society due to perceived racism. These issues include situations where Lawyers provide services they are not competent in by failing to understand the different laws for Indigenous peoples.</i></li> </ul>
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			<ul style="list-style-type: none"> <li>• <i>Furthermore, the Code of Professional Conduct is a good opportunity to potentially inject Indigenous principles into the practice of Law in BC to support the mandate of Reconciliation at 7(b). For example, principles informed by: the 4 pillars of the longhouse/ the 4 colours of the medicine wheel, the 7 laws of life for the Coast Salish, the 7 grandfather teachings of the Anishinaabe, laws of ts'its'uwa'tul and snoweyelh, or principles with broader territorial relevance (subject to additional research and engagement with First Nations), could have their spirit and intent incorporated into the code of Conduct. While it may be impossible to incorporate an Indigenous standard informing the rules due to regional differences of First Nations it is something that should be considered with input from the Indigenous Council.</i></li> </ul>
6.1.1 Professional conduct and competence requirements	Same as above.		<ul style="list-style-type: none"> <li>• <b>Must:</b></li> <li>• <b>74 rules respecting competence, professional conduct and financial responsibility</b></li> <li>• <i>The Indigenous Council would like stronger rules regarding competence and professional conduct. Anecdotally, the Professional Legal Training Course, including the Indigenous cultural competency portion, do not equip new lawyers with the skills to competently serve Indigenous clients.</i></li> </ul>
6.1.2 Financial responsibility	<b>74 Rules respecting competence, professional conduct and financial responsibility</b> ...	<ul style="list-style-type: none"> <li>• Rule(s) on standards of financial responsibility for both licensee and firm</li> <li>• LSBC Rules, Rules 3-47 to 3-52</li> </ul>	

	(3) Without limiting subsection (1), the board may make rules as follows: (a) establishing standards for financial responsibility relating to the financial integrity and financial viability of the professional practice of a licensee or law firm;		
6.1.2.1 Standards of financial responsibility	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on financial responsibility, intended to give notice to the regulator of an issue before it becomes a profession conduct concern</li> <li>• LSBC Rules, Rule 3-49</li> <li>• SNPBC Rules, Rules 4.01, 4.51, 4.58, 4.66 and 4.67</li> </ul>	
6.1.2.2 Failure to satisfy judgment	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) requiring licensee or firm to give regulator notice of failure to satisfy judgment</li> <li>• LSBC Rules, Rule 3-50</li> </ul>	
6.1.2.3 Insolvency (if determined)	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) requesting licensee or firm to give regulator notice of insolvency (i.e. before bankruptcy)</li> <li>• LSBC Rules, Rule 3-51</li> <li>• SNPBC Rules, Rules 6.01 to 6.12</li> </ul>	
6.1.2 Continuing competence and education	<b>74 Rules respecting competence, professional conduct and financial responsibility</b>	<ul style="list-style-type: none"> <li>• Rule(s) on competency and education, include continuing professional development courses</li> </ul>	

	... (2) Without limiting subsection (1), the board must make rules establishing requirements for the continuing competence and education of licensees, including requirements for Indigenous cultural competency training.	<ul style="list-style-type: none"> <li>Note: some of the course listed here may be “established” under these provisions, but mandated under the rules of entry to the profession (i.e. Indigenous cultural competency course)</li> </ul>	
6.1.3.1 Requirements	Same as above.	<ul style="list-style-type: none"> <li>Rule(s) on CPD, including any time or content requirements (e.g. 12 hours, ethic component, etc.)</li> <li>LSBC Rules, Rules 3-26 to 3-32</li> <li>SNPBC Rules, Rules 3.01 to 3.08</li> </ul>	
6.1.3.1.1 Indigenous cultural training course	Same as above.	<ul style="list-style-type: none"> <li>Rule establishing the Indigenous cultural training course</li> <li>LSBC Rules, Rule 3-28.1</li> </ul>	
6.1.3.1.2 Practice management course (if determined for amalgamation date)	Same as above.	<ul style="list-style-type: none"> <li>Rule establishing the practice management course</li> <li>LSBC Rules, Rule 3-28</li> </ul>	
6.1.3.1.3 Late completion	Same as above.	<ul style="list-style-type: none"> <li>Rule on consequence of late completion of any mandatory course or CPD credit requirements (e.g. fine)</li> <li>LSBC Rules, Rules 3-28.11 and 3-31</li> <li>SNPBC Rules, Rule 3.04</li> </ul>	
6.1.3.1.4 Failure to complete	Same as above.	<ul style="list-style-type: none"> <li>Rule on failure to complete a mandatory course or credit requirement (e.g. licence</li> </ul>	

		<p>suspended or limits and conditions in place)</p> <ul style="list-style-type: none"> <li>• LSBC Rules, Rules 3-28.2 and 3-32</li> <li>• SNPBC Rules, Rules 3.05 to 3.08</li> </ul>	
6.1.4 Assistance programs	<p><b>72 Assistance programs</b> The board may take any steps it considers advisable to promote and improve the standard of practice by licensees and trainees, including establishing, maintaining and supporting the following:</p>	<ul style="list-style-type: none"> <li>• Rule(s) establishing any assistance programs run by the regulator (e.g. practice advice)</li> </ul>	
6.1.4.1 Practice advice and equity advisor	<p><b>72 Assistance programs</b> The board may take any steps it considers advisable to promote and improve the standard of practice by licensees and trainees, including establishing, maintaining and supporting the following: ... (c) programs to assist licensees and trainees with issues arising from their practice of law;</p>	<ul style="list-style-type: none"> <li>• Rule(s) establishing the practice advice and equity advisor programs, including scope of assistance provided</li> </ul>	
6.1.4.1.1 Confidentiality	Same as above.	<ul style="list-style-type: none"> <li>• Rule on confidentiality of those programs</li> <li>• LSBC Rules, Rule 10-2.1</li> </ul>	
6.2 Division 2 – Complaints and investigations	<b>84 Rules respecting complaints and investigations</b>	<ul style="list-style-type: none"> <li>• Rule(s) on the complaints and investigations processes</li> <li>• LSBC Rules, Rules 3-1 to 3-9</li> </ul>	<ul style="list-style-type: none"> <li>• <b>May:</b></li> <li>• <b>84 Rules respecting complaints and investigations</b></li> </ul>

	(1) The board may make rules respecting complaints and investigations.	<ul style="list-style-type: none"> <li>• SNPBC Rules, Rules 9.01 to 9.07</li> </ul>	<ul style="list-style-type: none"> <li>• <i>The Law Society has drafted a framework in response to feedback that Indigenous peoples are less likely to submit justified complaints due to perceived bias and systemic racism. The Indigenous Council would like rules that are cognizant of this issue and better facilitate Indigenous people making complaints and having their complaints taken seriously.</i></li> </ul>
6.2.1 Making a complaint	<p><b>76 Complaints</b></p> <p>...</p> <p>(2) A complaint must be made in accordance with the rules.</p> <p><b>84 Rules respecting complaints and investigations</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>(a) establishing a process for making a complaint under section 76 [<i>complaints</i>];</p>	<ul style="list-style-type: none"> <li>• Rule(s) setting out how to make a complaint (form may detail more information); alternatively, rule may establish how regulator may receive a complaint</li> <li>• LSBC Rules, Rule 3-2</li> <li>• SNPBC Rules, Rule 9.01</li> </ul>	
6.2.2 Variation of complaint process	<p><b>84 Rules respecting complaints and investigations</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(b) authorizing the variation of the process established under paragraph (a) of this subsection to accommodate the individual circumstances of a complainant;</p>	<ul style="list-style-type: none"> <li>• Rule authorizing the above process (may not be needed depending on how broad that process is, or may be a sub-rule within the process rule)</li> </ul>	

6.2.3 Duty to report	<p><b>84 Rules respecting complaints and investigations</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(c) specifying the circumstances and manner in which a licensee or trainee must make a report to the regulator respecting another licensee, trainee or law firm;</p>	<ul style="list-style-type: none"> <li>• Rule(s) on any duty to report of licensees to the regulator</li> <li>• Note – should consider impact of duty to report requirements in Code, and ensure they are not duplicated (or if need duplicate, then match)</li> </ul>	
6.2.3.1 (Any duty to reports for licensees, but may be better included in other rules or in Code)	Same as above.		
6.2.4 Confidentiality of complaint	<p><b>84 Rules respecting complaints and investigations</b></p> <p>(1) The board may make rules respecting complaints and investigations.</p>	<ul style="list-style-type: none"> <li>• Rule specifying that a complaint is confidential (maybe outlining when allowed to be public, if established)</li> <li>• LSBC Rules, Rule 3-3</li> </ul>	
6.2.5 Protection of privacy	Same as above.	<ul style="list-style-type: none"> <li>• Rule protecting the privacy of those involved in a complaint and investigation process</li> </ul>	
6.2.6 Initiation of investigation by regulator	<p><b>84 Rules respecting complaints and investigations</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(d) respecting the initiation and conduct of an investigation,</p>	<ul style="list-style-type: none"> <li>• Rule that allows the regulator to initiate an investigation, without a complaint to trigger it (i.e. notice through media reports, or by word-of-mouth but not official complaint, etc.)</li> <li>• LSBC Rules, Rules 3-4 and 3-5</li> <li>• SNPBC Rules, Rule 9.01</li> </ul>	

	whether or not a complaint under section 76 or a report by a licensee or trainee has been received;		
6.2.7 Limits and conditions on entry and inspection	<p><b>78 Entry and inspection</b>  (1) For the purpose of an investigation, the chief executive officer may, subject to any limit or condition established in the rules, do any of the following without a warrant:  <b>84 Rules respecting complaints and investigations</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  ...  (e) imposing limits or conditions on the exercise by the chief executive officer of the power under section 78 (1) [<i>entry and inspection</i>].</p>	<ul style="list-style-type: none"> <li>• Rule(s) that limit the CEOs power on entry and inspection (e.g. notice requirements, right to have another present, etc.)</li> </ul>	
6.3 Division 3 – Discipline	<p><b>94 Rules respecting discipline</b>  (1) The board may make rules respecting the discipline of licensees, trainees and law firms.</p>	<ul style="list-style-type: none"> <li>• Rule(s) on discipline (ideally, process post-investigation, but some resolutions may be available during the investigation stage)</li> </ul>	
6.3.1 Dismissal of complaint after investigation	<p><b>84 Rules respecting complaints and investigations</b>  (1) The board may make rules respecting complaints and investigations.</p>	<ul style="list-style-type: none"> <li>• Rule allowing for CEO to dismiss the complaint following investigation (Act only allows for dismissal at earlier stage)</li> <li>• LSBC Rules, Rule 3-8</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>

		<ul style="list-style-type: none"> <li>• SNPBC Rules, Rule 9.02</li> </ul>	
6.3.2 Review of dismissal of complaint	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) establishing process for review of a dismissed complaint (e.g. committee, ombuds, commissioner)</li> <li>• LSBC Rules, Rules 3-13 and 3-14</li> </ul>	•
6.3.3 Interim orders	<p><b>85 Interim orders</b>  (1) At any time after an investigation into a matter has begun, the chief executive officer may, by order, do one or more of the following if the chief executive officer considers it necessary in the public interest:</p> <p><b>94 Rules respecting discipline</b>  (1) The board may make rules respecting the discipline of licensees, trainees and law firms.</p>	<ul style="list-style-type: none"> <li>• Rule(s) on the use of interim orders (may not need rules, but listed as a placeholder)</li> <li>• LSBC Rules, Rules 3-10 to 3-12.3</li> </ul>	
6.3.4 Summary suspension for indictable offence	<p><b>94 Rules respecting discipline</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  ...  (d) authorizing the chief executive officer to summarily suspend or cancel the licence of a licensee convicted of an indictable offence in British Columbia or in another jurisdiction;</p>	<ul style="list-style-type: none"> <li>• Rule authorizing CEO to summarily suspend or cancel licence convicted of indictable offence (note convicted, not charged)</li> <li>• LSBC Rules, Rule 3-97</li> </ul>	

6.3.5 Professional conduct orders	<p><b>87 Professional conduct orders</b>  (1) If the chief executive officer determines that a licensee, trainee or law firm has committed a professional conduct violation other than professional misconduct or conduct unbecoming a professional, the chief executive officer may, by order, do one or more of the following:</p> <p><b>94 Rules respecting discipline</b>  (1) The board may make rules respecting the discipline of licensees, trainees and law firms.</p>	<ul style="list-style-type: none"> <li>• Rule(s) on the use of professional conduct orders (may not need rules, but listed as a placeholder)</li> </ul>	
6.3.6 Competence orders	<p><b>88 Competence orders</b>  (1) If the chief executive officer determines that a licensee, trainee or law firm has practised law incompetently, the chief executive officer may, by order, do one or more of the following:</p> <p><b>94 Rules respecting discipline</b>  (1) The board may make rules respecting the discipline of licensees, trainees and law firms.</p>	<ul style="list-style-type: none"> <li>• Rule(s) on the use of competence orders (may not need rules, but listed as a placeholder)</li> </ul>	
6.3.7 Resolution by consent agreement	<p><b>91 Consent agreements</b>  (1) At any time between the start of an investigation and the start of a proceeding under Part 8 [<i>Tribunal Proceedings</i>], the chief executive officer may enter into a consent agreement with the</p>	<ul style="list-style-type: none"> <li>• Rule(s) on consent agreements</li> <li>• Consider impact of citation (i.e. does regulator lose “control” once citation issued?)</li> <li>• LSBC Rules, Rule 3-7.1</li> </ul>	

	licensee, trainee or law firm that is the subject of the investigation.		
6.3.7.1 Breach of consent agreement	<p><b>94 Rules respecting discipline</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(c) specifying the actions the chief executive officer may take if a licensee, trainee or law firm breaches a term of a consent agreement under section 91 [<i>consent agreements</i>];</p>	<ul style="list-style-type: none"> <li>• Rule(s) on breach of a consent agreement (may include what constitutes a breach, opportunity to reply, consequence, etc.)</li> <li>• LSBC Rules, Rule 3-7.2</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
6.3.7.2 Indigenous dispute resolutions (if determined for amalgamation date)	<p><b>94 Rules respecting discipline</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(e) respecting the use of alternative resolution processes in the resolution of discipline and competence matters.</p> <p>(3) Rules made under subsection (2) (e) may include rules that reflect or are influenced by Indigenous practices in relation to dispute resolution, which rules must be developed in collaboration with and approved by the Indigenous council.</p>	<ul style="list-style-type: none"> <li>• Rule(s) on Indigenous dispute resolution practices (when available, to whom, process, consequences if breach, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• <b><u>Must:</u></b></li> <li>• <b>94 Rules respecting discipline</b></li> <li>• <i>The Board may make rules for influenced by Indigenous practices in dispute resolution. The Indigenous Council would like to see permissive rules that reflect this notion to allow Indigenous peoples to opt into a dispute resolution informed by their Indigenous legal orders, including by inviting in elders, family, or other community members into the process.</i></li> </ul>

<p>6.3.7.3 Resolution by informal means</p>	<p><b>92 Alternative resolution</b> At any time between the start of an investigation and the start of a proceeding under Part 8 [<i>Tribunal Proceedings</i>], the chief executive officer may, in accordance with any rules made under section 94 (2) (e), resolve a discipline or competence matter using an alternative resolution process.</p> <p><b>94 Rules respecting discipline</b> ... (2) Without limiting subsection (1), the board may make rules as follows: ... (e) respecting the use of alternative resolution processes in the resolution of discipline and competence matters.</p>	<ul style="list-style-type: none"> <li>• Rule(s) allowing for resolution by informal means (e.g. apology, mediation, etc.)</li> <li>• LSBC Rules, Rule 3-7</li> </ul>	
<p>6.3.7.4 Health</p>	<p><b>92 Alternative resolution</b> At any time between the start of an investigation and the start of a proceeding under Part 8 [<i>Tribunal Proceedings</i>], the chief executive officer may, in accordance with any rules made under section 94 (2) (e), resolve a discipline or competence matter using an alternative resolution process.</p> <p><b>94 Rules respecting discipline</b></p>	<ul style="list-style-type: none"> <li>• Rule(s) establishing an alternative resolution for health issues (usually mental health but not necessarily limited to that)</li> <li>• LSBC Rules, Rules 3-9.1 to 3-9.10</li> </ul>	

	<p>...  (2) Without limiting subsection (1), the board may make rules as follows:  ...  (e) respecting the use of alternative resolution processes in the resolution of discipline and competence matters.</p>		
6.3.7.4.1 Health information	Same as above.	<ul style="list-style-type: none"> <li>• Rule allowing the regulator to collect health information from licensee or trainee</li> <li>• LSBC Rules, Rule 3-9.3</li> </ul>	
6.3.7.4.2 Practice conditions and limits	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) allowing the regulator to place practice conditions and limits on licensee or trainee through a consent agreement</li> <li>• LSBC Rules, Rule 3-9.5</li> </ul>	
6.3.7.4.3 Amendment of consent agreement	Same as above.	<ul style="list-style-type: none"> <li>• Rule on process to amend a consent agreement (and when)</li> <li>• LSBC Rules, Rule 3-9.6</li> </ul>	
6.3.7.4.4 Breach of consent agreement	<p><b>94 Rules respecting discipline</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  ...  (c) specifying the actions the chief executive officer may take if a licensee, trainee or law firm breaches a term of a consent</p>	<ul style="list-style-type: none"> <li>• Rule on process of when a consent agreement is breached (may include what constitutes a breach, ability to reply, consequence, etc.)</li> <li>• LSBC Rules, Rule 3-9.7</li> </ul>	

	agreement under section 91 [consent agreements];		
6.3.7.4.5 Confidentiality	<p><b>92 Alternative resolution</b> At any time between the start of an investigation and the start of a proceeding under Part 8 [Tribunal Proceedings], the chief executive officer may, in accordance with any rules made under section 94 (2) (e), resolve a discipline or competence matter using an alternative resolution process.</p> <p><b>94 Rules respecting discipline</b> ... (2) Without limiting subsection (1), the board may make rules as follows: ... (e) respecting the use of alternative resolution processes in the resolution of discipline and competence matters.</p>	<ul style="list-style-type: none"> <li>• Rule on confidentiality of the alternative resolution for health, including what can and cannot be publish or told to complainant</li> <li>• LSBC Rules, Rule 3-9.8</li> </ul>	
6.3.7.4.6 Dispute resolution	Same as above.	<ul style="list-style-type: none"> <li>• Rule on how to address a dispute between regulator and licensee or trainee that arises during process</li> <li>• LSBC Rules, Rule 3-9.10</li> </ul>	
6.3.7.5 Competence alternative resolution process (if determined for amalgamation date)	<p><b>9 Powers and duties of board</b> ... (3) The board may establish committees to assist the board.</p> <p><b>92 Alternative resolution</b></p>	<ul style="list-style-type: none"> <li>• Rule(s) establishing an alternative resolution process specific to competence (but separate from practice reviews)</li> </ul>	

	<p>At any time between the start of an investigation and the start of a proceeding under Part 8 [<i>Tribunal Proceedings</i>], the chief executive officer may, in accordance with any rules made under section 94 (2) (e), resolve a discipline or competence matter using an alternative resolution process.</p> <p><b>94 Rules respecting discipline</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(e) respecting the use of alternative resolution processes in the resolution of discipline and competence matters.</p>	<ul style="list-style-type: none"> <li>• May be similar to health issues where run using a consent agreement</li> <li>• LSBC Rules, Rule 3-15 to 3-25</li> <li>• SNPBC Rules, Rules 18.01 to 18.12</li> </ul>	
6.3.8 Establishment of discipline committee	<p><b>89 Discipline committee</b></p> <p>(1) The board must establish a discipline committee for the purpose of reviewing citations proposed to be issued against a licensee, trainee or law firm.</p>	<ul style="list-style-type: none"> <li>• Rule establishing a discipline committee</li> <li>• LSBC Rules, Rule 4-2</li> <li>• SNPBC Bylaws, Bylaws 8.02 and 8.16</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Must:</b></li> <li>• <b>89 Discipline committee</b></li> <li>• <i>As per 89(2), the discipline committee must include an indigenous person who can be a licensee or member of the public. The position should be filled in a way that insulates it against false claims of indigenous identity. The appointment should also consider the role of this position on the committee and what knowledge and experience they will draw from to enshrine the guiding principles.</i></li> </ul>
6.3.9 Citations	<p><b>94 Rules respecting discipline</b></p> <p>...</p>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>

	(2) Without limiting subsection (1), the board may make rules as follows: ... (b) respecting the issuance, amendment or rescission of a citation;		
6.3.9.1 Issuing of citation	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on the process of how a citation is referred to and determined by the discipline committee</li> <li>• LSBC Rules, Rules 4-17 to 4-19</li> <li>• SNPBC Rules, Rule 9.07</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Must:</b></li> <li>• <b>94 Rules respecting discipline</b></li> <li>• <i>The Act requires the appointment of a discipline committee and Part 6; Division 3 covers much of what needs to be in place for the operation of the discipline process and the discipline committee. However, section 94(2)(b) permits the board to make rules regarding the process of issuing, amending, or rescinding citations. While this is mostly a matter of procedure, given the significant role of the discipline committee in the regulatory functions of the regulator, direction from the transition team may be required.</i></li> </ul>
6.3.9.2 Amendment of citation	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on the process to amend a citation before the discipline committee (i.e. who, when, process)</li> <li>• LSBC Rules, Rule 4-17 (note Rule 5-4.2 which may be in jurisdiction of Tribunal)</li> </ul>	
6.3.9.3 Recission of citation	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on the process to rescind a citation before the discipline committee (i.e. who, when, process)</li> <li>• LSBC Rules, Rule 4-17</li> </ul>	

PART 7 – LEGAL PROFESSIONS TRIBUNAL			
7.1 Approval of tribunal budget	<p><b>106 Rules respecting tribunal</b></p> <p>(1) The board must make the following rules respecting the tribunal:</p> <p>(a) respecting the budget to be prepared and submitted under section 103 (1) [<i>tribunal finances</i>];</p>	<ul style="list-style-type: none"> <li>• Rule(s) on when and how the Tribunal must submit a budget to the board</li> <li>• Consider whether rules need to cover what happens if budget not received by date, or not approved</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Must:</b></li> <li>• <b>106 Rules respecting tribunal</b></li> <li>• <i>As section 106(2) signals, the Act contemplates that the Tribunal will be functionally independent of the board and the council. However, in developing the rules required by section 106, direction from the transition team may be required to get the rules right. In particular, section 103 requires that each year on or before the date specified by the board, the tribunal must prepare and submit to the board for approval an annual budget and that once the board approves a budget, the board must pay the expenses required for the administration and operation of the tribunal in accordance with the budget. What is not contemplated by the Act is what happens if the board does not approve of the budget as presented? As recent experience in the United States demonstrates, the most efficient way to undermine or diminish the role of statutory entity is to starve it of funds. While we should not contemplate that the new board will take issue with the budget provided by the tribunal, it may be appropriate to provide some means to address a dispute about the budget.</i></li> <li>• <i>As in the make-up of the discipline committee and the board, the tribunal requires Indigenous members at s. 106(2)(b). Appointment to this position will need rules in place to be insulated from false claims of Indigenous identity. The position can be filled with members of the public or licensees, and so the transition team may want standards in consideration of how they determine an appointment, for example,</i></li> </ul>

			<i>by drawing from community leaders or elders for this position.</i>
7.2 Annual report requirements	<b>106 Rules respecting tribunal</b> (1) The board must make the following rules respecting the tribunal: ... (b) requiring the tribunal to prepare and submit to the board an annual report on the activities of the tribunal and specifying the information to be contained in the annual report.	<ul style="list-style-type: none"> <li>• Rule(s) on when and how the annual report must be delivered to the board, including what information in report</li> </ul>	
7.2.1 Information in annual report	Same as above.	Rule specifying what should be in report (e.g. cases heard, length for cases, types of cases, citation date to disciplinary action outcome, etc.)	
<b>PART 8 – TRIBUNAL PROCEEDINGS</b>			
8.1 Referral to tribunal	<b>27 General rule-making authority of board</b> (1) The board may make any rules that it considers necessary or advisable for the performance of the duties of the regulator under section 6 (1) [ <i>duties of regulator</i> ].	<ul style="list-style-type: none"> <li>• Rule(s) that may be needed to ensure hand-off of matters to tribunal (or return of matters from tribunal)</li> </ul>	
<b>PART 9 – INDEMNIFICATION</b>			
9.1 Professional liability indemnification program	<b>134 Professional liability indemnification</b> The board may maintain a professional liability indemnification program and	<ul style="list-style-type: none"> <li>• Rule(s) establishing a professional liability indemnification program</li> <li>• LSBC Rules, Rule 3-39</li> <li>• SNPBC Rules, Rule 8.01</li> </ul>	

	may use the indemnity fees for that purpose.		
9.2 Trust protection indemnification program	<b>135 Trust protection indemnification</b> (1) The board must maintain a trust protection indemnification program and may use the indemnity fees for that purpose.	<ul style="list-style-type: none"> <li>• Rule(s) establishing a trust protection indemnification program</li> <li>• LSBC Rules, Rule 3-39.1</li> </ul>	
9.3 (Other indemnification program(s), if established)	<b>136 Other indemnification</b> The board may maintain any indemnification program it considers necessary in the public interest and may use the indemnity fees for that purpose.	<ul style="list-style-type: none"> <li>• Rule(s) establishing other indemnification programs (e.g. cyber indemnification)</li> </ul>	
9.4 Application for indemnification coverage	<b>143 Rules respecting indemnification</b> (1) The board may make rules respecting indemnification.	<ul style="list-style-type: none"> <li>• Rule(s) on how to apply for coverage</li> <li>• LSBC Rules, Rule 3-45</li> </ul>	
9.5 Indemnity fees	<b>137 Indemnity fees</b> (1) The board may establish (a) the indemnity fee for each class of licensee, and	<ul style="list-style-type: none"> <li>• Rule(s) requiring all licensees to pay fees for indemnification (note – exceptions below)</li> <li>• Fees may be listed in schedule or in policy</li> <li>• LSBC Rules, Rules 3-40 and 3-42</li> </ul>	
9.5.1 Payment by instalments	<b>143 Rules respecting indemnification</b> ... (2) Without limiting subsection (1), the board may make rules as follows: ...	<ul style="list-style-type: none"> <li>• Rule(s) to allow either all or some licensees to pay by installments (set dates but maintain flexible interpretation so amendments not need)</li> <li>• LSBC Rules, Rule 2-105</li> </ul>	

	(b) permitting licensees to pay the indemnity fee by instalments on or before the date by which each instalment of the indemnity fee is due;		
9.5.2 Exemptions	<p><b>143 Rules respecting indemnification</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(c) exempting a class of licensees from the requirement to maintain professional liability indemnification, trust protection indemnification or any other type of indemnification or from payment of all or part of the indemnity fee;</p>	<ul style="list-style-type: none"> <li>• Rule(s) establishing who is exempt from paying all or some of the indemnification fee (e.g. in-house counsel, non-practising, government, etc.)</li> <li>• LSBC Rules, Rule 3-43</li> </ul>	
9.6 Indemnity fund	<p><b>138 Indemnity fund</b></p> <p>(1) The board must maintain an indemnity fund, comprising indemnity fees and other income of the professional liability and trust indemnification programs.</p>	<ul style="list-style-type: none"> <li>• Rule(s) establishing an indemnity fund</li> <li>• SNPBC Bylaws, Bylaw 8.14</li> </ul>	
9.7 Trust administration fee (may locate rule under “Part 12 - Trust Accounts”)	<p><b>137 Indemnity fees</b></p> <p>(1) The board may establish</p> <p>...</p> <p>(b) the amount to be paid for each class of transaction or activity, designated under the rules, for which a licensee must</p>	<ul style="list-style-type: none"> <li>• Rule(s) establishing a trust administration fee (i.e. an indemnity fee), including when it must be paid (activity or transaction)</li> <li>• LSBC Rules, Rule 2-110</li> </ul>	

	<p>pay a fee to fund the professional liability or trust protection indemnification program.</p> <p><b>143 Rules respecting indemnification</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(d) designating classes of transactions and activities for which a licensee must pay a fee to fund the professional liability program, the trust indemnification program or any other indemnification program established by the board.</p>	<ul style="list-style-type: none"> <li>• SNPBC Rules, Rules 4.58 to 4.64</li> </ul>	
9.8 Confidentiality of indemnity claims	<p><b>27 General rule-making authority of board</b></p> <p>(1) The board may make any rules that it considers necessary or advisable for the performance of the duties of the regulator under section 6 (1) [<i>duties of regulator</i>].</p>	<ul style="list-style-type: none"> <li>• Rule protecting the confidentiality of any claims against the indemnification fund</li> <li>• LSBC Rules, Rule 3-56</li> </ul>	
<b>PART 10 – CUSTODIANSHIPS</b>			
10.1 Cooperation	<p><b>27 General rule-making authority of board</b></p> <p>(1) The board may make any rules that it considers necessary or advisable for the performance of the duties of the regulator</p>	<ul style="list-style-type: none"> <li>• Rule requiring the licensee (practising or non-practising) to cooperate with the custodianship order (i.e. in cases when custodianship in face of discipline especially)</li> </ul>	

	under section 6 (1) [ <i>duties of regulator</i> ].	<ul style="list-style-type: none"> <li>• LSBC Rules, Rule 6-1</li> <li>• SNPBC Rules, Rule 5.07</li> </ul>	
10.2 Report of possible claim	<p><b>84 Rules respecting complaints and investigations</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(c) specifying the circumstances and manner in which a licensee or trainee must make a report to the regulator respecting another licensee, trainee or law firm;</p>	<ul style="list-style-type: none"> <li>• Rule requiring the custodian to report a possible claim to the indemnifier</li> <li>• LSBC Rules, Rule 6-2</li> </ul>	
10.3 Notice of custodianship order	<p><b>66 Rules respecting disclosure in public interest</b></p> <p>The board may make rules authorizing the chief executive officer to disclose to the public certain information relating to a licensee, trainee or law firm if the chief executive officer is satisfied that it is in the public interest to do so.</p>	<ul style="list-style-type: none"> <li>• Rule specifying what notice, if any, and for how long, to give of a custodianship order</li> <li>• LSBC Rules, Rule 6-5</li> </ul>	
<b>PART 11 – LAW FOUNDATION OF BRITISH COLUMBIA</b>			
<b>PART 12 – TRUST ACCOUNTS</b>			
12.1 Designated savings institutions	<p><b>167 Trust accounts of licensees and law firms</b></p> <p>(1) A licensee or law firm who receives or holds money in trust must establish a trust account at a savings institution designated under section 171 (2) (a) [<i>rules</i></p>	<ul style="list-style-type: none"> <li>• Rule(s) designating a savings institution for licensees to establish a trust account</li> <li>• LSBC Rules, Rule 3-56</li> <li>• SNPBC Rules, Rules 1.02 and 4.02</li> </ul>	

	<p><i>respecting trust accounts</i>] and deposit into the account money received or held in trust.</p> <p><b>171 Rules respecting trust accounts</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board must make rules as follows:</p> <p>(a) designating savings institutions and classes of savings institutions in which licensees or law firms may deposit money that they hold in trust;</p>		
12.2 Deposit of trust funds	<p><b>167 Trust accounts of licensees and law firms</b></p> <p>(1) A licensee or law firm who receives or holds money in trust must establish a trust account at a savings institution designated under section 171 (2) (a) [<i>rules respecting trust accounts</i>] and deposit into the account money received or held in trust.</p>	<ul style="list-style-type: none"> <li>• Rule(s) outlining when trust funds must be deposited (and how quickly)</li> <li>• LSBC Rules, Rule 3-58</li> <li>• SNPBC Rules, Rules 4.06, 4.16 and 4.17</li> </ul>	
12.3 Trust account only for legal services	<p><b>171 Rules respecting trust accounts</b></p> <p>...</p> <p>(3) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p>	<ul style="list-style-type: none"> <li>• Rule(s) limiting use of trust accounts for certain activities only (i.e. legal services, potentially including mediation and arbitration)</li> <li>• LSBC Rules, Rule 3-58.1</li> <li>•</li> </ul>	

	(b) providing for precautions to be taken by licensees and law firms for the care of funds or property held in trust by them;		
12.4 Form of deposits allowed	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) specifying form of deposits (i.e. wire transfers, bank draft, cheque, etc.)</li> <li>• LSBC Rules, Rules 3-55, 3-64.2</li> <li>• SNPBC Rules, Rules 4.06 to 4.17</li> </ul>	
12.5 Cash limits	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) limiting the acceptance of cash, including the amount allowed or the circumstances when cash allowed (also including cash returns)</li> <li>• LSBC Rules, Rule 3-59</li> <li>• SNPBC Rules, Rule 4.06</li> </ul>	
12.6 Treatment of fiduciary property	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on how fiduciary property is to be handled, including when allowed in trust account, and how recorded if so</li> <li>• LSBC Rules, Rule 3-55</li> </ul>	
12.7 Pooled trust funds	<p><b>171 Rules respecting trust accounts</b></p> <p>...</p> <p>(3) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(c) permitting a licensee or law firm to hold money in trust for</p>	<ul style="list-style-type: none"> <li>• Rule(s) permitting the use of pooled trust funds</li> <li>• LSBC Rules, Rule 3-60</li> <li>• SNPBC Rules, Rules 4.05 and 4.34</li> </ul>	

	more than one beneficiary in the same trust account;		
12.7.1 Use of approved form of agreement	<p><b>171 Rules respecting trust accounts</b></p> <p>...</p> <p>(3) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(g) requiring that a licensee or law firm do one or more of the following:</p> <p>(i) subject to the interest rate and amount for any fees approved by the board of trustees under section 167 (2) and (3) [<i>trust accounts of licensees and law firms</i>], use an approved form of agreement respecting the terms and conditions under which pooled trust funds will be held at designated savings institutions;</p>	<ul style="list-style-type: none"> <li>• Rule(s) requiring licensee to use approved form of agreement (agreement may be in form separate from rules)</li> </ul>	
12.8 Withdrawal of trust money	<p><b>171 Rules respecting trust accounts</b></p> <p>...</p> <p>(3) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(b) providing for precautions to be taken by licensees and law firms for the care of funds or property held in trust by them;</p>	<ul style="list-style-type: none"> <li>• Rule(s) on when money may or must be withdrawn from trust account (i.e. only with bill, as soon as reasonably possible, if transferred back to client then use of safeguards)</li> <li>• LSBC Rules, Rules 3-64 and 3-66</li> <li>• SNPBC Rules, Rules 4.07, 4.21, and 4.31</li> </ul>	

12.8.1 Electronic transfers	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) allowing for the use of electronic transfers (what that means and when allowed)</li> <li>• LSBC Rules, Rule 3-64.1</li> <li>• SNPBC Rules, Rules 4.07 to 4.15</li> </ul>	
12.8.2 Payment of fees	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) allowing for a licensee to be paid fees out of trust account (i.e. after issuing bill, into general account)</li> <li>• LSBC Rules, Rule 3-65</li> <li>• SNPBC Rules, Rules 4.31 to 4.33</li> </ul>	
12.9 Accounting records and reports	<p><b>170 Trust account reviews and audits</b></p> <p>(1) The chief executive officer may request that a licensee, former licensee or law firm do one or more of the following:</p> <p>(a) provide information or an annual report concerning the records, books and accounts of a licensee, former licensee or law firm;</p> <p>(b) have all or part of the records, books and accounts of the licensee, former licensee or law firm reviewed or audited;</p> <p>(c) provide the chief executive officer with an accountant's report on the records, books and accounts of the licensee, former licensee or law firm.</p>	<ul style="list-style-type: none"> <li>• Rule(s) setting out the minimum requirements to provide sufficient accounting records and reports</li> <li>• LSBC Rules, Rules 3-67 to 3-87</li> <li>• SNPBC Rules, Rules 4.11, 4.18 to 4.20, 4.39, and 4.51</li> </ul>	

	<p><b>171 Rules respecting trust accounts</b></p> <p>...</p> <p>(3) Without limiting subsection (1), the board may make rules as follows:</p> <p>(a) establishing standards of accounting for and management of funds held in trust by licensees or law firms;</p>		
12.9.1 Trust account records	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) specifying licensees must maintain trust account records if trust account holder, what is needed in trust account records, how far back, etc.</li> <li>• LSBC Rules, Rule 3-68 and 3-73</li> <li>• SNPBC Rules, 4.20 and 4.39</li> </ul>	
12.9.2 General account records	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) specifying licensees must maintain general accounts records if general account holder, what is needed in general account record, and how far back, etc.</li> </ul>	
12.9.3 Billing records	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) specifying what is required for a billing record</li> <li>• LSBC Rules, Rule 3-71</li> <li>• SNPBC Rules, Rule 4.32</li> </ul>	
12.9.4 Recording transactions	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) specifying when and how a transaction (or certain transactions) must be recorded</li> <li>• LSBC Rules, Rule 3-72</li> </ul>	

		<ul style="list-style-type: none"> <li>• SNPBC Rules, Rules 4.18 to 4.20</li> </ul>	
12.9.5 Trust report	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on creating a trust report, timing of, and any submission requirements to the regulator</li> <li>• LSBC Rules, Rules 3-79 to 3-81</li> <li>• SNPBC Rules, Rules 4.51 to 4.57</li> </ul>	
12.10 Unclaimed trust funds	<p><b>168 Unclaimed trust funds</b>  (1) A licensee or law firm must pay to the regulator unclaimed money the licensee or law firm holds in a trust account in accordance with the rules made under section 171 (2) (b) [<i>rules respecting trust accounts</i>].</p> <p><b>171 Rules respecting trust accounts</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board must make rules as follows:</p> <p>...</p> <p>(b) respecting the payment to the regulator, under section 168 (1) [<i>unclaimed trust funds</i>], of unclaimed funds held in trust.</p>	<ul style="list-style-type: none"> <li>• Rule(s) relating to unclaimed trust funds, payments to the regulator, and claims for funds</li> <li>• LSBC Rules, Rules 3-88 to 3-94</li> <li>• SNPBC Rules, Rule 4.46</li> </ul>	
12.10.1 Payment to regulator	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on when and how to make payment to the regulator (i.e. time length, steps required before paying, amount that is unclaimed, etc.)</li> </ul>	

		<ul style="list-style-type: none"> <li>• LSBC Rules, Rule 3-89</li> <li>• SNPBC Rules, Rule 4.46</li> </ul>	
12.10.2 Claim process	<p><b>171 Rules respecting trust accounts</b></p> <p>...</p> <p>(3) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(f) establishing procedures for investigating and adjudicating claims made under section 168 (5);</p>	<ul style="list-style-type: none"> <li>• Rule(s) on how someone may make a claim for unclaimed trust money from regulator, including confidentiality of claim</li> <li>• LSBC Rules, Rule 3-90</li> </ul>	
12.10.3 Investigation of claims	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) allowing the regulator to investigate a claim for unclaimed trust funds</li> <li>• LSBC Rules, Rule 3-90</li> </ul>	
12.10.4 Adjudication of claims	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) that address any dispute over the claims, including who may adjudicate the claim, review of decision, etc.</li> <li>• LSBC Rules, Rule 3-91</li> </ul>	
12.10.5 Payment to Law Foundation	<p><b>171 Rules respecting trust accounts</b></p> <p>...</p> <p>(3) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(d) governing the payment to the Law Foundation of interest on trust accounts;</p>	<ul style="list-style-type: none"> <li>• Rule(s) requiring licensees and firms to pay trust account interest to Law Foundation</li> <li>• LSBC Rules, Rule 3-94</li> </ul>	

<p>12.11 Overdrawn pooled trust fund</p>	<p><b>169 Overdrawn pooled trust fund account</b>          Despite any agreement between the licensee or law firm and a savings institution, a licensee or law firm must, as soon as practicable, notify the regulator if the pooled trust fund account of the licensee or law firm is overdrawn by an amount exceeding the following:          ...          (b) if a rule is made under section 171 (3) (h), the amount specified in that rule.  <b>171 Rules respecting trust accounts</b>          ...          (3) Without limiting subsection (1), the board may make rules as follows:          ...          (h) specifying an amount for the purpose of section 169 [<i>overdrawn pooled trust fund account</i>];</p>	<ul style="list-style-type: none"> <li>• Rule(s) on notification of an overdrawn pooled trust fund (i.e. what does “as soon as practicable” mean?)</li> <li>• LSBC Rules, Rules 3-60 and 3-74</li> <li>• SNPBC Rules, Rules 4.34 and 4.38</li> </ul>	
<p>12.11.1 Amount</p>	<p>Same as above.</p>	<ul style="list-style-type: none"> <li>• Rule specifying the amount</li> <li>• Note – ensure parity with any duty to report provisions in the Code</li> <li>• LSBC Rules, Rule 3-74</li> <li>• SNPBC Rules, Rule 4.38</li> </ul>	

<p>12.12 Trust account reviews and audits</p>	<p><b>170 Trust account reviews and audits</b>  (1) The chief executive officer may request that a licensee, former licensee or law firm do one or more of the following:  (a) provide information or an annual report concerning the records, books and accounts of a licensee, former licensee or law firm;  (b) have all or part of the records, books and accounts of the licensee, former licensee or law firm reviewed or audited;  (c) provide the chief executive officer with an accountant's report on the records, books and accounts of the licensee, former licensee or law firm.</p>	<ul style="list-style-type: none"> <li>• Rule(s) on how trust review and audit program work (e.g. timing, notice, etc.)</li> <li>• LSBC Rules, Rule 3-85</li> <li>• SNPBC Rules, Rules 4.47 to 4.49, 4.52 and 4.53</li> </ul>	
<p>12.12.1 Suspension for failure to comply</p>	<p><b>171 Rules respecting trust accounts</b>  ...  (3) Without limiting subsection (1), the board may make rules as follows:  ...  (i) authorizing the chief executive officer to suspend the licence of a licensee, or the permit of a law firm, that fails to comply with a request under section 170 (1);</p>	<ul style="list-style-type: none"> <li>• Rule authorizing the CEO to suspend licensee or similar for failure to comply with audit request</li> <li>• LSBC Rules, Rule 3-86</li> <li>• SNPBC Rules, Rules 4.48, 4.49, 4.52 and 4.53</li> </ul>	

<p>12.12.2 Recovery of regulator costs</p>	<p><b>171 Rules respecting trust accounts</b>  ...  (3) Without limiting subsection (1), the board may make rules as follows:  ...  (j) respecting the recovery, from a licensee, former licensee or law firm, of the regulator's costs relating to a review or audit, under section 170 (1), of the records, books and accounts of the licensee or law firm if the records, books and accounts do not comply with the requirements of this Act, the rules or the code of professional conduct;</p>	<ul style="list-style-type: none"> <li>• Rule(s) that allow the regulator to recover the auditing costs for certain circumstances (consider how costs are set out – in schedule or policy, or if reflective of actual costs)</li> <li>• SNPBC Rules, Rule 4.49</li> </ul>	
<p>12.13 Client identification and verification</p>	<p><b>171 Rules respecting trust accounts</b>  ...  (3) Without limiting subsection (1), the board may make rules as follows:  ...  (b) providing for precautions to be taken by licensees and law firms for the care of funds or property held in trust by them;</p>	<ul style="list-style-type: none"> <li>• Rule(s) to meet the national requirements for lawyers on CIV</li> <li>• LSBC Rules, Rule 3-98 to 3-110</li> </ul>	
<p>12.13.1 Requirements to identify client</p>	<p>Same as above.</p>	<ul style="list-style-type: none"> <li>• Rule(s) on when a licensee must ID a client</li> </ul>	

		<ul style="list-style-type: none"> <li>• LSBC Rules, Rules 3-100 and 3-101</li> </ul>	
12.13.2 Requirements to verify identity of client	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on when a licensee must verify the ID of a client</li> <li>• LSBC Rules, Rules 3-102 to 3-104</li> </ul>	
12.13.3 Timing of identification and verification	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on when the identification and verification of a client must be made</li> <li>• LSBC Rules, Rules 3-105 and 3-106</li> </ul>	
12.13.4 Duty to withdraw	Same as above.	<ul style="list-style-type: none"> <li>• Rule requiring the licensee to withdraw if suspicious or unable to identify or verify</li> <li>• LSBC Rules, Rule 3-109</li> </ul>	
12.14 Resignation and closure of trust account	<p><b>171 Rules respecting trust accounts</b></p> <p>...</p> <p>(3) Without limiting subsection (1), the board may make rules as follows:</p> <p>(a) establishing standards of accounting for and management of funds held in trust by licensees or law firms;</p> <p>...</p> <p>(k) establishing requirements respecting trust accounts for former licensees.</p>	<ul style="list-style-type: none"> <li>• Rule(s) relating to how to handle trust accounts either when people move on to another firm, face suspension or retire</li> <li>• LSBC Rules, Rule 3-87</li> </ul>	
12.14.1 Resignation of responsible legal professional	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) for when the legal professional responsible for the trust account moves on, but</li> </ul>	

		another legal professional can take over the account (if possible)	
12.14.2 Closure of trust account	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) for when and how a trust account must be closed, including any final reporting requirements</li> </ul>	
<b>PART 13 – FEES FOR LEGAL SERVICES</b>			
13.1 Reasonable fee	<p><b>189 Rules respecting agreements and fees</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>(a) establishing ethics requirements and other requirements for the making of agreements and for billing practices;</p>	<ul style="list-style-type: none"> <li>• Rule(s) on what a licensee may bill for (i.e. legal services only)</li> <li>• Consider whether better in Code</li> <li>• LSBC Rules, Rule 8-1</li> <li>• SNPBC Rules, Rules 12.13 and 12.14</li> </ul>	
13.2 Form and content of agreements	<p><b>189 Rules respecting agreements and fees</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(b) regulating the form and content of agreements;</p>	<ul style="list-style-type: none"> <li>• Rule(s) on what needs to be in the retainer agreement (e.g. right to review by registrar, how to pay, consequence of non-payment)</li> </ul>	
13.3 Contingency fee agreements	<p><b>189 Rules respecting agreements and fees</b></p> <p>...</p>	<ul style="list-style-type: none"> <li>• Rule(s) on contingency fee agreements (see below for more detail)</li> <li>• LSBC Rules, Rules 8-2 to 8-4</li> </ul>	<ul style="list-style-type: none"> <li>• <b><u>May:</u></b></li> <li>• <b>175 Contingent fee agreement</b></li> <li>• <b>189 Rules respecting agreements and fees</b></li> </ul>

	<p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(c) limiting the amount that licensees or law firms may charge for services provided under contingent fee agreements;</p>		<ul style="list-style-type: none"> <li>• <i>In Part 13 – Fees for Legal Services there are several sections dealing with contingent fees and the review of contingent fee agreements and, perhaps most significant, provide for rules limiting the amount that may charged under contingent fee agreements. One particular opportunity is responding to the Assembly of First Nations passed Resolution 91/2023, Reform Exploitative Legal Fee Structures calling on the Federation of Law Societies and the 14 provincial and territorial law societies to develop and implement, in coordination and collaboration with First Nations, distinctions-based rules of professional conduct to address fair and reasonable legal fees for First Nations clients. Additionally, the Indigenous council would like to see rules drafted for retainer agreements that better inform Indigenous clients of their rights, such as more explicitly stating a client's rights to make complaints to the regulator and clearer guidance on their services such as outlining the difference in their described practice between Aboriginal and Indigenous laws. While this may be a matter for the Law Society to address now, it is worth considering how the response to this issue can and should be addressed in the new rules.</i></li> </ul>
13.3.1 Limits on charges for services	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) establishing limits (i.e. percentages) for certain practice</li> </ul>	
13.3.1.1 Indigenous legal matter(s) (if determined for amalgamation date)	Same as above.	<ul style="list-style-type: none"> <li>• Rule on Indigenous legal matter</li> <li>• Note – need to confirm whether it is the client or legal interest that makes a matter Indigenous legal matter or both (e.g. land claim versus services to an Indigenous client)</li> </ul>	

13.3.1.2 Personal injury	Same as above.	<ul style="list-style-type: none"> <li>• Rule on limits to CFA for personal injury</li> <li>• LSBC Rules, Rule 8-2</li> </ul>	
13.3.2 Conditions for contingency fee agreements	<p><b>189 Rules respecting agreements and fees</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(e) setting conditions to be met by licensees and law firms entering into contingent fee agreements.</p>	<ul style="list-style-type: none"> <li>• Rule that sets the conditions of licensees in CFA, such as when matter may end and how transfer to another licensee works</li> </ul>	
13.4 Additional requirements for form of bill	<p><b>189 Rules respecting agreements and fees</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(d) specifying requirements for the form of a bill in addition to those described in section 178</p> <p>(3) (a) [<i>bill of licensee or law firm</i>];</p>	<ul style="list-style-type: none"> <li>• Rule on any form requirements, including what must be in bill (e.g. how to have bill reviewed, etc.)</li> <li>• LSBC Rules, Rules 8-3 and 8-4</li> </ul>	
<b>PART 14 – BUSINESS STRUCTURES</b>			
14.1 Law firms (if determined for amalgamation date)	<p><b>194 Rules respecting law firms</b></p> <p>(1) The board may make rules respecting law firms.</p>	<ul style="list-style-type: none"> <li>• Rule(s) on the regulation of law firms outside of disciplinary actions against them</li> <li>• LSBC Rules, Rules 2-12.1 to 2-12.5</li> </ul>	

<p>14.1.1 Registration or permit requirements</p>	<p><b>194 Rules respecting law firms</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  (a) requiring a law firm to register with the regulator or to obtain a permit from the regulator;</p>	<ul style="list-style-type: none"> <li>• Rule(s) requiring law firms to register, including threshold for registration (i.e. everyone, certain size, certain practice, etc.)</li> <li>• LSBC Rules, Rule 2-12.2</li> </ul>	
<p>14.1.2 Application for permit</p>	<p><b>194 Rules respecting law firms</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  ...  (b) establishing procedures for the application, issuance and renewal of permits required under paragraph (a);</p>	<ul style="list-style-type: none"> <li>• Rule on process of application, including timing</li> <li>• LSBC Rules, Rule 2-12.2</li> </ul>	
<p>14.1.3 Designation of contact person</p>	<p><b>194 Rules respecting law firms</b>  ...  (2) Without limiting subsection (1), the board may make rules as follows:  ...  (c) requiring a law firm to designate a practising licensee to act as a contact person for the law firm and requiring the law firm to provide the licensee's name and contact information;</p>	<ul style="list-style-type: none"> <li>• Rule requiring law firm to designate contact person and to update when required</li> <li>• LSBC Rules, Rule 2-12.5</li> </ul>	
<p>14.1.4 Annual law firm report</p>	<p><b>194 Rules respecting law firms</b>  ...</p>	<ul style="list-style-type: none"> <li>• Rule requiring law firm to file an annual report with regulator,</li> </ul>	

	(2) Without limiting subsection (1), the board may make rules as follows: ... (d) specifying the information a law firm must submit to and regularly update with the regulator;	including content, deadline and consequence for not filing • LSBC Rules, Rule 2-12.3	
14.1.5 Fees	<b>194 Rules respecting law firms</b> ... (2) Without limiting subsection (1), the board may make rules as follows: ... (e) setting registration or licensing fees to be paid by law firms.	• Rule specifying the payment of any fee for registration or renewal (fee amount may be set out in schedule or policy)	
14.2 Law corporations	<b>195 Rules respecting law corporations</b> (1) The board may make rules respecting law corporations.	• Rule(s) allowing for licensees or firms to incorporate • LSBC Rules, Rules 9-1 to 9-11 • SNPBC Rules, Rules 16.1 to 16.33	
14.2.1 Application for permit	<b>195 Rules respecting law corporations</b> ... (2) Without limiting subsection (1), the board may make rules as follows: (a) establishing procedures for the application, issuance and renewal of law corporation permits;	• Rule(s) on how to apply for a permit (including process) • LSBC Rules, Rule 9-4 • SNPBC Rules, Rules 16.09 and 16.10	

14.2.2 Renewal of permit	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on how to apply for a renewal of a permit, including timing considerations and consequences for not renewing</li> <li>• LSBC Rules, Rule 9-4</li> <li>• SNPBC Rules, Rules 16.23 to 16.28</li> </ul>	
14.2.3 Cancellation of permit	<p><b>195 Rules respecting law corporations</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(b) establishing procedures for the cancellation of law corporation permits;</p>	<ul style="list-style-type: none"> <li>• Rule(s) on how a law corporation permit may be cancelled, including who may initiate, process, timing and review of decision (also, who decides this)</li> <li>• LSBC Rules, Rules 9-5 and 9-11</li> <li>• SNPBC Rules, Rule 16.13</li> </ul>	
14.2.4 Limits and conditions on permit	<p><b>195 Rules respecting law corporations</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(c) authorizing the chief executive officer to impose limits or conditions on a law corporation permit issued or renewed under this Part;</p>	<ul style="list-style-type: none"> <li>• Rule(s) on what limits and conditions CEO may place on permit, including review or variance procedure</li> <li>• LSBC Rules, Rule 9-11</li> </ul>	
14.2.5 Approval of names	<p><b>195 Rules respecting law corporations</b></p> <p>...</p>	<ul style="list-style-type: none"> <li>• Rule on how to have name approved (and potentially what can be a name, but consider this</li> </ul>	

	(2) Without limiting subsection (1), the board may make rules as follows: ... (d) respecting names and the approval of names by which the following may be known, be incorporated or practise law:	against Code provisions on marketing) <ul style="list-style-type: none"> <li>• LSBC Rules, Rule 9-1, 9-2 and 9-6</li> <li>• SNPBC Rules, Rules 16.02 to 16.04</li> </ul>	
14.2.6 Fees	<b>195 Rules respecting law corporations</b> ... (2) Without limiting subsection (1), the board may make rules as follows: ... (e) setting fees for (i) obtaining a law corporation permit, and (ii) renewing a law corporation permit;	<ul style="list-style-type: none"> <li>• Rule(s) requiring law corporations to pay fees (application, renewal, etc.)</li> <li>• Fee amounts may be set out in schedule or policy</li> <li>• LSBC Rules, Rule 9-4</li> <li>• SNPBC Rules, Rule 16.09</li> </ul>	
14.2.7 Disposition of shares	<b>195 Rules respecting law corporations</b> ... (2) Without limiting subsection (1), the board may make rules as follows: ... (f) respecting the disposition of shares of a shareholder of a law corporation who ceases to be a practising licensee;	<ul style="list-style-type: none"> <li>• Rule(s) that require the disposition of shares when a practising licensee is no longer practising</li> <li>• LSBC Rules, Rule 9-5</li> <li>• SNPBC Rules, Rule 16.13</li> </ul>	
14.2.8 Insurance requirements	<b>195 Rules respecting law corporations</b>	<ul style="list-style-type: none"> <li>• Rule(s) specifying any additional insurance</li> </ul>	

	<p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(g) setting an amount of insurance that the holder of a law corporation permit must carry or provide to each of its employees or contractors for the purpose of providing indemnity against professional liability claims.</p>	<p>requirements (above indemnification and trust protection) for law corporations</p>	
<p>14.2.9 Supervision of employees practising law</p>	<p><b>191 Authorized and prohibited activities of law corporations</b></p> <p>(1) A law corporation is authorized to carry on the business of the practice of law through persons who are</p> <p>...</p> <p>(b) subject to this Act and the rules, a person referred to in section 38 (1) (b), (c), (f) or (g) [<i>exceptions from prohibition against unauthorized practice</i>] who is an employee of the law corporation.</p> <p><b>195 Rules respecting law corporations</b></p> <p>(1) The board may make rules respecting law corporations.</p>	<ul style="list-style-type: none"> <li>• Rule(s) authorizing law corporations to supervise employees who then may practise law (may move to another area of the rules)</li> </ul>	
<p>14.3 Limited liability partnerships</p>	<p><b>196 Rules respecting limited liability partnerships</b></p>	<ul style="list-style-type: none"> <li>• Rule(s) allowing for the recognition of limited liability partnerships</li> </ul>	

	(1) The board may make rules respecting the practice of law through limited liability partnerships.	<ul style="list-style-type: none"> <li>• LSBC Rules, Rules 9-12 to 9-20</li> <li>• SNPBC Rules, Rules 16.01 to 16.33</li> </ul>	
14.3.1 Authorization of limited liability partnerships	<p><b>196 Rules respecting limited liability partnerships</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>(a) authorizing licensees and law corporations to carry on the practice of law through limited liability partnerships;</p>	<ul style="list-style-type: none"> <li>• Rule authorizing the creation of LLPs</li> <li>• LSBC Rules, Rule 9-12 and 9-13</li> <li>• SNPBC Rules, Rule 16.14</li> </ul>	
14.3.2 Requirements	<p><b>196 Rules respecting limited liability partnerships</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(b) establishing requirements, limits and conditions for licensees and law corporations to carry on the practice of law through limited liability partnerships.</p>	<ul style="list-style-type: none"> <li>• Rule(s) on what is required to be demonstrated before being registered as LLP</li> <li>• LSBC Rules, Rule 9-15</li> </ul>	
14.3.3 Application	<p><b>196 Rules respecting limited liability partnerships</b></p> <p>(1) The board may make rules respecting the practice of law through limited liability partnership</p>	<ul style="list-style-type: none"> <li>• Rule(s) on how to apply to be LLP (including form, timing, etc.)</li> <li>• Consider renewal needs or if ongoing recognition?</li> <li>• Consider whether fee required</li> </ul>	

		<ul style="list-style-type: none"> <li>• LSBC Rules, Rule 9-15</li> <li>• SNPBC Rules, Rules 16.09 and 16.10</li> </ul>	
14.3.4 Limits and conditions	<p><b>196 Rules respecting limited liability partnerships</b></p> <p>...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>...</p> <p>(b) establishing requirements, limits and conditions for licensees and law corporations to carry on the practice of law through limited liability partnerships.</p>	<ul style="list-style-type: none"> <li>• Rule(s) on what limits and conditions CEO can place on LLPs, how those are varied, review of decision, etc.</li> </ul>	
14.4 Alternative business structures	<p><b>197 Rules respecting alternative business structures</b></p> <p>(1) The board may make rules respecting business structures other than a sole proprietorship, a law corporation or a partnership, through which the business of the practice of law is carried out.</p>	<ul style="list-style-type: none"> <li>• Rule(s) on the authorization of ABS</li> <li>• Consider whether need to specify different types of ABS, or if generic rules to allow consideration on a case-by-case basis preferable</li> <li>• LSBC Rules, Rules 2-38 to 2-49</li> </ul>	<ul style="list-style-type: none"> <li>• <b>May:</b></li> <li>• <b>197 Rules respecting alternative business structures</b></li> <li>• <i>The issue of permitting persons who are not lawyers (or licensees) to participate with lawyers (or licensees) has been in play for decades. Some jurisdictions such as Britain, Australia and some US states have taken steps to permit persons who are not lawyers to participate with lawyers in the ownership of entities offering legal services. A brief search on Google scholar generated numerous papers on the topic. Some have been supportive; some have been critical. The original objection was a prohibition on the sharing of legal fees. It was thought that if fees were shared, the influence of those who were not lawyers on the conduct of the lawyers would be driven by profit and not professionalism. In one</i></li> </ul>

			<p><i>sense, the objection fails to reflect the fact that very few lawyers practice without the intent to make a profit. But the issue of maintaining professional values in the face of the need to make money is not irrelevant. The question is whether there is an approach other than an outright prohibition which addresses legitimate concerns. As the Law Society regulates a few multi-disciplinary practices, there is a need to consider whether to continue that practice and whether to provide a more open regulatory model for the business structures that licensees may establish to provide legal services.</i></p> <ul style="list-style-type: none"> <li>• <i>There may be alternative business models whose structure is not premised on profit or investment. Indigenous practitioners may want to include forms adapted from Indigenous legal orders. For example, an Indigenous firm may desire a Council rather than an executive to determine the firm's professional direction, staffing, practice domain and standards.</i></li> </ul>
14.4.1 Authorization of alternative business structures on case-by-case basis (if determined for amalgamation date)	<p><b>197 Rules respecting alternative business structures</b> ...</p> <p>(2) Without limiting subsection (1), the board may make rules as follows:</p> <p>(a) authorizing licensees to carry on the practice of law through business structures other than a sole proprietorship, a law corporation or a partnership;</p>	<ul style="list-style-type: none"> <li>• Rule(s) authorizing the recognition of ABS (either specific or in general)</li> <li>• LSBC Rules, Rule 2-38</li> </ul>	
<b>PART 15 – ENFORCEMENT</b>			
15.1 Authorization to swear information	<p><b>198 Offences</b> ...</p>	<ul style="list-style-type: none"> <li>• Rule(s) authorizing either when CEO may lay information or</li> </ul>	

	(4) An information alleging an offence under this Act may be laid in the name of the regulator on oath by the chief executive officer or by a person authorized by the board.	authorizing another (e.g. CLO) to lay information <ul style="list-style-type: none"> <li>• LSBC Rules, Rule 1-46</li> <li>• SNPBC Rules, Rule 7.15</li> </ul>	
<b>PART 16 – GENERAL</b>			
16.1 Records	<b>27 General rule-making authority of board</b> (1) The board may make any rules that it considers necessary or advisable for the performance of the duties of the regulator under section 6 (1) [ <i>duties of regulator</i> ].	<ul style="list-style-type: none"> <li>• Rule(s) on how long and in what form licensees must keep records (including what records)</li> <li>• LSBC Rules, Rule 10-3</li> <li>• SNPBC Rules, Rules 17.01 to 17.04</li> </ul>	
16.2 Security of records	Same as above.	<ul style="list-style-type: none"> <li>• Rule(s) on how licensees must protect the security of their records (e.g. steps to take to ensure cyber security, including duty to report if breach to either regulator or indemnification or both)</li> <li>• LSBC Rules, Rule 10-4</li> <li>• SNPBC Rules, Rule 5.06</li> </ul>	
16.3 Disclosure in the public interest	<b>66 Rules respecting disclosure in public interest</b> The board may make rules authorizing the chief executive officer to disclose to the public certain information relating to a licensee, trainee or law firm if the chief executive	<ul style="list-style-type: none"> <li>• Rule(s) on when the CEO may disclose in public interest (e.g. may list qualifications of when to publish, may wish to make it at discretion of CEO)</li> <li>• LSBC Rules, Rules 4-47 to 4-51</li> </ul>	<b>May:</b> <b>62 Rules respecting licences</b> <b>66 Rules respecting disclosure in public interest</b> <i>One of the consistent communication challenges faced by the Law Society under its current rules is the limitations on public disclosure of information about complaints and disciplinary matters. While there has been progress from the days when the communications team had to say, “we can neither confirm nor deny the existence of a</i>

	officer is satisfied that it is in the public interest to do so.		<i>complaint”, the Law Society current rules still limit what can be said and when. While leaving the disclosure of disciplinary and licensing information wide open would not be appropriate, the transition team should be asked to consider rules permitting the CEO some latitude, as contemplated by the Act, when the disclosure is in the public interest even though it may be contrary to the interest of the licensee. There should be discussions by the transition team to determine how to grapple with the public interest in transparency but also make sure potential over-representations of reports regarding marginalized licensees do not have a prejudicial effect.</i>
<b>PART 17 – TRANSITIONAL</b>			
17.1 Transitional elections	<b>230 Transition – first board</b> ... (6) No later than 6 months after the amalgamation date, (a) the first board must hold elections for the purposes of section 8 (1) (a), (b) and, if applicable, (c) (ii), and	<ul style="list-style-type: none"> <li>• Rule(s) on how the directors’ elections will occur just after amalgamation, until at full board, including disbanding these rules once spent</li> </ul>	
17.2 Transitional appointments	<b>230 Transition – first board</b> (6) No later than 6 months after the amalgamation date, ... (b) the directors to be appointed under section 8 (c) (i), if applicable, and section 8 (1) (d) must be appointed.	<ul style="list-style-type: none"> <li>• Rule(s) on how the appointed directors will occur just after amalgamation, until at full board, including disbanding these rules once spent</li> </ul>	
17.3 Notary public trust accounts (if needed)		<ul style="list-style-type: none"> <li>• Rule(s) to address any potential impact on Law Foundation and</li> </ul>	

		privilege due to changes in notary public trust account	
17.4 Existing multidisciplinary practices (if needed)		<ul style="list-style-type: none"> <li>• Rule(s) to address any pre-existing MDPs from Law Society to transition to ABS (if needed)</li> </ul>	

# Legal Professions BC

## Work Plan – January 2026

### Introduction

The *Legal Professions Act* requires that the transitional Indigenous council and the transitional board collaborate in the development of the first rules of Legal Profession BC. In addition, the Act provides in s. 70 that the board must establish a code of professional conduct for licensees.

This draft workplan sets out the required work and the timing necessary to complete the work involved in creating the first rules and the code for public consultation by January 1, 2027.

### Goal

The creation of first rules and a code of professional conduct for Legal Professions BC that:

1. Permit the effective and efficient regulation of the legal professions in the public interest.
2. Are consistent with the duties of Legal Professions BC and developed with regard to the following guiding principles:
  - a. facilitating access to legal services;
  - b. supporting reconciliation with Indigenous peoples and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples;
  - c. identifying, removing or preventing barriers to the practice of law in British Columbia that have a disproportionate impact on Indigenous persons and other persons belonging to groups that are under-represented in the practice of law;
  - d. regulating the practice of each legal profession in a manner that is transparent, timely, and proportionate to the risk of harm to the public posed by the practice.
3. Provide for regulation of the professions and the standards and programs for the education, training, competence, practice and conduct of applicants, trainees, licensees and law firms that are equivalent, unless a difference is required by the nature or scope of practice of that profession.

# Scope of Work in this Document

<p><b>In-Scope</b></p>	<ol style="list-style-type: none"> <li>1. Identify and draft the first rules that Legal Professions BC must have in order to regulate by amalgamation date</li> <li>2. Work with the transitional tribunal chair to ensure compatibility of the first tribunal rules and the first rules</li> <li>3. Prepare a code of professional conduct to reflect the professional responsibilities of lawyers, notaries and regulated paralegals</li> </ol>
<p><b>Out-Of-Scope</b></p>	<ol style="list-style-type: none"> <li>1. Operational considerations and policies for Legal Professions BC (e.g. communications, staffing, website)</li> <li>2. Other considerations and approvals of the transitional Indigenous council and the transitional board as required by the <i>Legal Professions Act</i> (e.g. remuneration policy, hiring a transition manager)</li> <li>3. Rules required for tribunal processes only</li> </ol>

# Deliverables

1. The first rules approved by amalgamation day; and
2. A code of professional conduct inclusive of lawyers, notaries public and regulated paralegals, approved by amalgamation day.

# Milestones

Milestone	Target Date for Completion
Initial draft of policy reports created for every regulatory program or process that will require rules or reference to the code of professional conduct	January 2026
Transitional Indigenous council and transitional board approval of policy reports in principle	January 2026
First rules drafted	December 2026
Code drafted	December 2026
First rules approved by transitional Indigenous council and transitional board	December 2026
Code approved by transitional Indigenous council and transitional board	December 2026

Public consultation process will begin in January, 2027 following approval of first rules and code of professional conduct by the transitional Indigenous council and transitional board.

## Subject Areas & Phases

	Estimated time	Completion Date	Status
<b>Phase 1: Consultation</b>	<b>Ongoing</b>		In Progress
1. Review LSBC, SNPBC, PABC rules and bylaws.			
2. Compare new LPA and current SNPBC and LSBC rules and identify rules which do not have corresponding authority in new LPA.	Jan-Feb 2025	Feb 2025	Complete
3. Prepare consultation summaries and questions for: SNPBC, BC Paralegal Association, LSBC departments, and other legal stakeholders.	Jan-Oct 2025		Complete
4. Schedule consultation sessions with representatives.			
5. Review issues brought forward by transitional Indigenous council on barriers in current rules and code of SNPBC and LSBC.	Ongoing		In progress
6. Consult with representatives from above listed groups on regulatory requirements for new rules and code.	Ongoing		In progress
7. Create list of subject areas requiring rules and priority issues.	Jan-Aug 2025	August 2025	Complete
<b>Phase 2: Policy reports</b>	<b>11 months</b>	<b>Jan 2026</b>	<b>Complete / Deferred</b>
8. Develop draft policy reports for each subject area and priority issues.	Mar 2025 – Jan 2026		
9. Consult with representatives on draft policy reports.	Mar 2025 – Jan 2026		
10. Present <b>initial draft policy reports</b> to transitional Indigenous council and transitional board for feedback:	Mar 2025 – Jan 2026		
a. Unauthorized Practice		Mar 2025	Complete
b. Custodianships		Mar 2025	Complete
c. Practice Advice		Mar 2025	Complete
d. Policy (broad)		May 2025	Complete

	<b>Estimated time</b>	<b>Completion Date</b>	<b>Status</b>
e. General Policy – Privilege		Nov 2025	Complete
f. General Policy – Public Disclosure		Oct 2025	Complete
g. Indemnification		Jun 2025	Complete
h. Complaints		May 2025	Complete
i. Investigations		Oct 2025	Complete
j. Discipline		Oct 2025	Complete
k. Discipline – Alternative Resolutions			Deferred
l. Discipline – Practice Reviews		Nov 2025	Complete
m. Licensing and Enrolment – Licensing Committee		Jun 2025	Complete
n. Licensing and Enrolment – Scopes of Practice			Deferred
o. Licensing and Enrolment – Pathways to Licensure		Oct 2025	Complete
p. Licensing and Enrolment – Business Structures		Nov 2025	Complete
q. Continuing Competence and Education		Oct 2025	Complete
r. Licensing & Enrolment – Mobility			Deferred
s. Trust Accounts		Dec 2025	Complete
t. Governance – Director Elections		Dec 2025	Complete
u. Governance – Committees & Task Forces		Dec 2025	Complete
v. Governance		Dec 2025	Complete
w. Risk-Based Regulation		Jun 2025	Complete
x. Independence of Licensees		Nov 2025	Complete
y. National Mobility and Interjurisdictional Agreements		Jun 2025	Complete
z. Fees for Legal Services		Jan 2026	Complete

	<b>Estimated time</b>	<b>Completion Date</b>	<b>Status</b>
<b>Phase 3A: Draft rules</b>	<b>12 months</b>	Dec 2026	In Progress
11. Draft rules informed by policy reports and discussion.	Jan-Dec 2026	Dec 2026	In Progress
12. Present draft rules, <i>in parts</i> , for transitional Indigenous council and transitional board feedback.	Mar-Dec 2026	Dec 2026	
Part 3 – Legal Professions BC		Apr 2026	
Part 6 – Professional Conduct, Competence and Discipline		Apr 2026	
Part 9 – Indemnification		Mar 2026	
Part 10 – Custodianships		Mar 2026	
Part 14 – Business Structures		Mar 2026	
Part 15 – Enforcement		Apr 2026	
Part 16 – General		Apr 2026	
<b>Remaining parts to be prioritized and scheduled in May 2026</b>		Jul – Oct 2026	
13. Update draft rules based on feedback from transitional Indigenous Council and transitional board	Mar-Jun 2026	Jun 2026	
<b>Remaining parts to be prioritized and scheduled in May 2026</b>		Dec 2026	
14. Receive transitional Indigenous council and transitional board approval of draft rules.	May-Jun 2026	Jun 2026	
Part 3 – Legal Professions BC		Jun 2026	
Part 6 – Professional Conduct, Competence and Discipline		Jun 2026	
Part 9 – Indemnification		May 2026	
Part 10 – Custodianships		May 2026	
Part 14 – Business Structures		May 2026	
Part 15 – Enforcement		Jun 2026	
Part 16 – General		Jun 2026	
<b>Remaining parts to be prioritized and scheduled in May 2026</b>		Oct - Dec 2026	

	<b>Estimated time</b>	<b>Completion Date</b>	<b>Status</b>
<b>Phase 3B: Code of Professional Conduct</b>	<b>12 months</b>	Dec 2026	In Progress
15. Draft code informed by model code, policy reports and discussion.	Jan-Dec 2026	Dec 2026	In Progress
16. Present draft code, <i>in parts</i> , for transitional Indigenous council and transitional board feedback.	Mar-Dec 2026	Dec 2026	
Introduction		Mar 2026	
1.1 Definitions		Mar 2026	
2.1 Integrity		Mar 2026	
3.1 Competence		Mar 2026	
3.2 Quality of Service		Apr 2026	
3.3 Confidentiality		Apr 2026	
3.4 Conflicts		May & Jun 2026	
<b>Remaining parts to be prioritized and scheduled in May 2026</b>		Jul – Oct 2026	
17. Update draft code based on feedback from transitional Indigenous Council and transitional board	Mar-Jun 2026	Jun 2026	
<b>Remaining parts to be prioritized and scheduled in May 2026</b>		Dec 2026	
18. Receive transitional Indigenous council and transitional board approval of draft code of professional conduct.		Dec 2026	

Once approved by the transitional board and transitional Indigenous council, the draft rules and Code of Professional Conduct will be published for a 6-month public engagement period. Feedback received through this process will be incorporated into the documents, and the revised drafts will be brought back to the transitional board and Indigenous council for final approval prior to the amalgamation date.

# Legal Professions Act

Rules & Professional Code of Conduct Drafting Process Overview

February 2026

LEGAL PROFESSIONS ACT

Regulatory Transition in BC



# Agenda

1. Timeline - Rule Drafting
2. Code of Conduct
3. Rule Drafting Process Overview
4. Upcoming Target Dates

# Timeline - Rule Drafting

Following a request from the transitional board, transitional indigenous council, the drafting team and partner agencies to allow for additional time and consultations as Rules are being developed, an updated approach and workplan has been developed.

2026												2027													
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
Develop & Approve Draft Rules (7 parts simultaneously)						Develop & Approve Draft Rules (7 parts simultaneously)						Public Consultation													

## **First Round (January to June):**

**Part 9** – Indemnification

**Part 10** – Custodianships

**Part 14** – Business Structures

**Part 3** – LPBC (Governance)

**Part 6** – Professional Conduct, Competence and Discipline

**Part 15** – Enforcement

**Part 16** – General

## **Second Round (July to December):**

**Part 1** – Interpretation

**Part 2** – Legal Professions

**Part 5** – Licensing and Authority to Practise

**Part 7** – Tribunal (if any)

**Part 12** – Trust Accounts

**Part 13** – Fees for Legal Services

**Part 17** – Transitional

Note: Drafting timelines for Parts 4 (Indigenous Council), 8 (Tribunal Proceedings), and 11 (Law Foundation of BC) are to be determined.

# Code of Professional Conduct

The Code of Professional Conduct will be drafted and reviewed in parallel with the draft rules. The Code of Professional Conduct, based on the FLSC Model Code, will initially include the following sections:

## *Introduction*

### *1.1 Definitions*

### *2.1 Integrity*

### *3.1 Competence*

### *3.2 Quality of Service*

### *3.3 Confidentiality*

### *3.4 Conflicts*

### *3.5 Preservation of Client's Property*

### *3.6 Fees and Disbursements*

### *3.7 Withdrawal from Representation*

### *4.1 Making Legal Services Available*

### *4.2 Marketing*

### *4.3 Advertising Nature of Practice*

### *5.1 The Licensee as Advocate*

### *5.2 The Licensee as Witness*

### *5.4 Communicating with Witnesses*

### *5.5 Relations with Jurors*

### *5.6 The Licensee and the Administration of Justice*

### *5.7 Licensees and Mediators*

### *6.1 Supervision*

### *6.2 Students*

### *6.3 Discrimination and Harassment*

### *7.1 Responsibility to the Society and the Profession Generally*

### *7.2 Responsibility to Licensees and Others*

### *7.3 Outside Interests and the Practice of Law*

### *7.4 The Licensee in Public Office*

### *7.5 Public Appearances and Public Statements*

### *7.6 Preventing Unauthorized Practice*

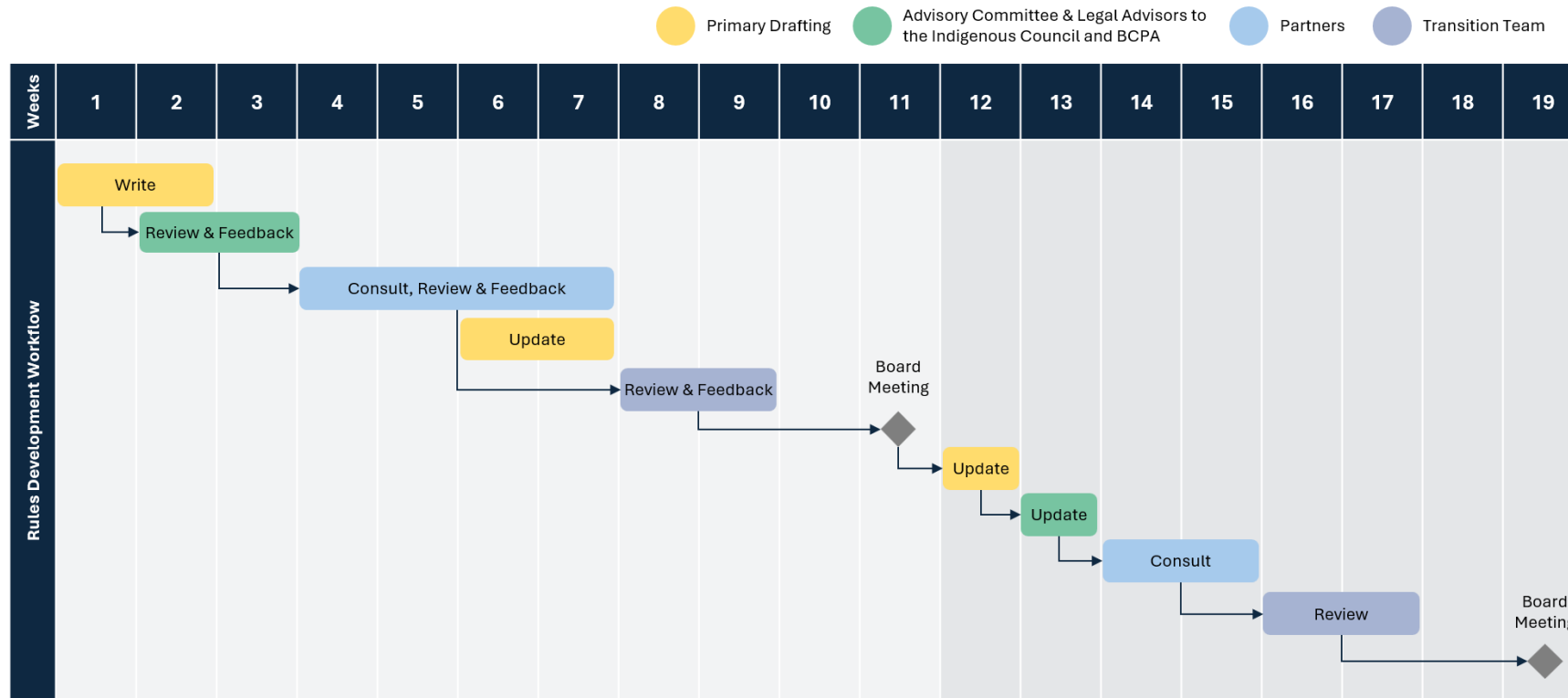
### *7.7 Retired Judges Returning to Practice*

### *7.8 Errors and Omissions*

# Rule Drafting Process Overview

The rules drafting process will include an initial drafting and review phase to develop a preliminary draft, followed by consultation with key partners (e.g., LSBC, SNPBC, BCPA). An updated draft will then be brought forward to the transitional board and transitional Indigenous council (the Transition Team) at a board meeting, for feedback and direction.

Following the initial board meeting, a second round of review and consultation will be completed before an updated version of the rules is presented to the board.



# Upcoming Target Dates

The table below outlines target dates for distribution and review of the draft rules and Code of Conduct for different groups:

Document	Part	Initial Content Writing Complete	Advisory Committee & Legal Advisor Review & Update Complete	Distribution to Partners	Partner Feedback Submission Date	Follow-up Discussion Period	Distribute to Transition Team	Initial Board Meeting
Rules	Part 10 – Custodianships	Fri, Jan 13	Wed, Jan 28	Wed, Jan 28	Mon, Feb 9	Feb 16 to 20	Fri, Feb 27	Wed, March 18
Rules	Part 9 – Indemnification	Mon, Jan 16	Mon, Feb 2	Wed, Feb 4	Mon, Feb 16	Feb 17 to 26	Fri, Feb 27	Wed, March 18
Rules	Part 14 – Business Structures	Fri, Jan 23	Mon, Feb 2	Wed, Feb 4	Mon, Feb 16	Feb 17 to 26	Fri, Feb 27	Wed, March 18
Code	Introduction	Tue, Feb 10	Fri, Feb 13	Tue, Feb 17	Thu, Feb 26	Feb 26 to Mar 4	Thu, Mar 5	Wed, March 18
Code	1.1 Definitions	Tue, Feb 10	Fri, Feb 13	Tue, Feb 17	Thu, Feb 26	Feb 26 to Mar 4	Thu, Mar 5	Wed, March 18
Code	2.1 Integrity	Tue, Feb 10	Fri, Feb 13	Tue, Feb 17	Thu, Feb 26	Feb 26 to Mar 4	Thu, Mar 5	Wed, March 18
Code	3.1 Competence	Tue, Feb 10	Fri, Feb 13	Tue, Feb 17	Thu, Feb 26	Feb 26 to Mar 4	Thu, Mar 5	Wed, March 18
Rules	Part 15 – Enforcement	Fri, Feb 6	Wed, Feb 18	Thu, Feb 19	Wed, Mar 4	Mar 4 to 17	Wed, Mar 18	Mon, Apr 13
Rules	Part 3 – Legal Professions BC (Governance)	Fri, Feb 6	Wed, Feb 18	Thu, Feb 19	Wed, Mar 4	Mar 4 to 17	Wed, Mar 18	Mon, Apr 13
Rules	Part 6 – Professional Conduct, Competence & Discipline	Mon, Feb 9	Wed, Feb 25	Thu, Feb 26	Wed, Mar 11	Mar 11 to 24	Wed, Mar 25	Mon, Apr 13
Rules	Part 16 – General	Mon, Feb 9	Wed, Feb 25	Thu, Feb 26	Wed, Mar 11	Mar 11 to 24	Wed, Mar 25	Mon, Apr 13
Code	3.2 Quality of Service	Tue, Feb 17	Wed, Feb 25	Thu, Feb 26	Wed, Mar 11	Mar 11 to 24	Wed, Mar 25	Mon, Apr 13
Code	3.3 Confidentiality	Tue, Feb 17	Wed, Feb 25	Thu, Feb 26	Wed, Mar 11	Mar 11 to 24	Wed, Mar 25	Mon, Apr 13

# Thank You

Questions?

January 2026

LEGAL PROFESSIONS ACT

Regulatory Transition in BC



# Transitional Board and Transitional Indigenous Council

## A Code of Conduct

**To:** Transitional Board  
Transitional Indigenous Council

**Purpose:** Discussion/Direction

**Date:** February 9, 2026

## **I. Background**

The Legal Professions Act requires the board to establish a code of conduct for directors and policies and procedures respecting conflicts of interest in relation to directors, including policies and procedures respecting the identification and disclosure of conflicts of interest and the actions to be taken if a conflict of interest is identified. The Act also requires that the board must establish an oath of office for directors that must include a commitment to act in the public interest.

At the February 19, 2025 meeting, the transition team considered a proposed transitional code of conduct that included a conflicts of interest policy and an oath of office. After discussion, the transition team agreed to table consideration of a code of conduct, including provisions related to a complaint about a director, and a proposed oath of office, to a later date. There was a consensus that the conflict of interest policy in the proposed code of conduct should be adopted as the conflict of interest policy of the transitional board and Indigenous Council.

The Chair has asked that the topic of a code of conduct be brought back for further discussion.

Attached to this paper is the draft code of conduct considered previously.

## **II. Discussion**

The requirement that the board establish a code of conduct for directors is found in section 18 of the Act. The requirement that the board establish an oath of office is found in section 11. As with much of the work undertaken by the transition team, the requirement to establish a code of conduct and an oath of office for directors is prospective in anticipation of the amalgamation provided for in section 5 and the proclamation of the balance of the unproclaimed provisions of the Act.

The transition provisions in the Act which have been proclaimed do not require the transitional board to have a code of conduct. However, section 223(4) (in force) does provide that the transitional board must establish a conflicts of interest policy for its members, which the transitional board has done. With respect to the oath of office, section 230 (not yet proclaimed) does provide that the first board must establish an oath of office for directors no later than the earlier of a date that is 3 months after the amalgamation date or the earliest date a director elected under section 8 (a), (b) or (c) (ii) or appointed under section 8 (c) (i) or (d) takes office as a director.

It is worth noting the Act only requires that the board have a code of conduct and that the directors take an oath of office. The Act has no similar requirement for the Indigenous council. In fact, the Act specifically provides that the Indigenous council may establish policies and procedures for the meetings of the Indigenous council, including policies and procedures that incorporate Indigenous legal traditions and practices.

As the proposed code of conduct provided last year was intended to govern the conduct of the transitional board, it did replicate two sections of the Act not currently in force that will apply to the board on amalgamation day.

Section 13 provides for removal of a director if the director contravenes the oath of office or the code of conduct or the director becomes bankrupt, or if the director is a licensee, the director contravenes the Act, rules or code of professional conduct.

Section 14 provides that if a director receives notice that the director is the subject of a complaint, the director must give written notice of the complaint to the board as soon as practicable. On receiving notice of a complaint, the board may prohibit the director from exercising the powers and performing the duties of a director until the disposition of the complaint if the board determines that the complaint is sufficiently serious to justify the prohibition. The board may also remove a director if, after reasonable notice to the director, the board considers the circumstances sufficiently serious to justify the director's removal.

Inclusion of provisions in the transitional code of conduct providing for action if a director is offside the code is consistent with the regime that will be in place on amalgamation day. However, the previous consideration of the draft code of conduct did raise concerns about the inclusion of provisions reflecting both sections 13 and 14 of the Act.

### **III. Questions**

1. Does the transitional team wish to adopt a proposed code of conduct for itself?
2. If not, does the transition team want to develop a code of conduct for the first board prior to the amalgamation date?
3. Does the Indigenous council want or expect that the proposed code of conduct and oath of office should apply to the members of the Indigenous council?
4. What are the transition teams' thoughts or concerns with the attached code of conduct?

# Transitional Code of Conduct (DRAFT)

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## Introduction

The purpose of this Code of Conduct is to establish clear expectations for the behavior and responsibilities of the members of the board. By adhering to this Code, board members ensure the integrity, accountability, and effectiveness of their role in preparing for and facilitating the transition from the operation of the former Acts to the operation of the Legal Professions Act. The Code also helps to promote a culture of trust, respect, and professionalism among board members.

## Core Principles

**Integrity:** Board members must act honestly and in good faith, prioritizing support for the process for transitioning to the new Legal Professions BC over personal interests.

**Accountability:** Board Members are accountable for their actions and decisions to each other.

**Transparency:** Decisions and operations must be conducted openly whenever possible, ensuring the trust and confidence of the public and those who will be regulated under the *Legal Professions Act*.

**Respect:** Board members should engage respectfully with others, fostering a collaborative and inclusive environment.

**Equity and Diversity:** Board members are expected to consider diversity, equity and inclusion in all decision-making processes and organizational policies.

## Scope, Compliance and Enforcement

### Application

This Code of Conduct applies to all board members. By adopting and adhering to this Code of Conduct, and signalling the same by signing the Statement of Understanding and Agreement, board members commit to upholding the highest standards of governance and conduct in all organizational activities and decisions as set out in this Code of Conduct.

### Complaint Against a Director<sup>1</sup>

If a board member is notified that a complaint has been opened against them by the regulatory body responsible for the regulation of that board member, the board member must promptly disclose the fact of the complaint to the Chair.

On being made aware of a complaint against a board member, the Chair must consider whether to ask the board member to provide information about the nature and seriousness of the complaint and to consider any information provided by the board member about the complaint. If the Chair seeks and obtains information about the complaint, the Chair must determine whether nature and seriousness of

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<sup>1</sup> Based on s.14 of the Legal Professions Act

the complaint in light of any information provided by the board member requires bringing the complaint to the attention of the board.

Should the Chair determine that the complaint is of a sufficiently serious nature to warrant notifying the board, the board must consider whether to prohibit the board member from exercising the powers and performing the duties of a director until the disposition of the complaint.

## Removal of Director<sup>2</sup>

If a board member:

- a. contravenes their oath of office or this Code of Conduct;
- b. becomes bankrupt; and

the board may remove the director if, after reasonable notice to the director, the board considers the circumstances sufficiently serious to justify the director's removal.

## Oath of office

Board members are expected to swear or affirm the following oath of office before taking office and signify their commitment by signing a copy of the oath.

*I, \_\_\_\_\_, will abide by the Legal Professions Act and its regulations, and the policies approved by the transitional board, and in the performance of my duties as a member of the board, I will act always in the public interest and in accordance with the laws of the Province of British Columbia and the laws of Canada, including the Constitution, which recognizes and affirms the Aboriginal and treaty rights of First Nations, Inuit and Métis peoples.*

## Roles and Responsibilities

Each board member is expected to act with integrity, participate actively, and fulfill their specific roles and commitments and to keep themselves informed about the transition process and their role in the process and make decisions based on informed judgment.

Board members are expected to support collective decisions, even if they personally disagreed during discussions.

The board as a whole is responsible for the organization's governance and strategic direction.

The board has a collective responsibility to make decisions that support the transition from the operation of the former Acts to the operation of the Legal Professions Act, evaluating the progress towards the amalgamation provided for in s.5 of the *Legal Professions Act* and ensuring that stakeholders are engaged where appropriate and kept aware of progress.

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<sup>2</sup> Based on s.13 of the Legal Professions Act

## Fiduciary Duties

Board members must act with the level of care, diligence, and skill that a reasonably prudent person would exercise in similar circumstances. This includes staying informed about the organization's activities, attending meetings, and actively participating in decision-making processes.

Board members are responsible for ensuring the implementation of the transition remains consistent with the *Legal Professions Act* and any regulations.

## Ethical Standards

Board members must act with honesty and integrity in all their dealings on behalf of the organization.

This includes:

- a. Ensuring that their actions are guided by the best interests of the organization rather than personal interests.
- b. Upholding the organization's reputation and maintaining trust with stakeholders.

Avoiding any conduct that could undermine the integrity of the board or the organization.

Board members are expected to:

- a. Be truthful and transparent in communications and decision-making.
- b. Avoid deceptive or misleading practices, even in challenging circumstances

## Conflicts of Interest and Duty

What constitutes a conflict of interest and duty?

Directors may experience a conflict of duty and interest or of interest and interest where the director has a personal interest, either pecuniary or non-pecuniary, not shared by others, in the outcome of a particular decision or in fulfilling their duty to the prepare for and facilitate the transition from the operation of the former Acts to the operation of the new Act.

A conflict may be:

- a. Actual, where a direct conflict where a board member's decisions or actions could result in personal gain or benefit.
- b. Potential, where a conflict could arise in the future based on a board member's roles, relationships, or activities.

- c. Perceived, where it appears that a board member's interests might impair their objectivity, even if no actual conflict exists.

## Disclosure

If a conflict of interest and duty arises, whether actual, potential or perceived, the director should disclose the conflict of interest to the board.

Disclosures should be made in writing and recorded in the meeting minutes.

## Assessment of Conflicts

The board must review any conflict disclosed to assess the severity and implications of the conflict. The assessment should consider whether the conflict impairs the director's ability to act in the organization's best interests.

## Resolution of Conflicts

If the board concludes that a conflict impairs the member's ability to act in the organization's best interests, the board may require the director to:

- a. Recuse themselves from discussions and votes related to the matter or circumstance creating the conflict; or
- b. Resign from the board if the conflict is ongoing and cannot be mitigated.

The consideration and conclusion should be documented and made known to the director to ensure accountability.

## Review and Training

The transitional board should regularly review the conflict of interest and duty policy and provide training to directors to ensure understanding and compliance.

## Confidentiality

Board members have a duty to protect the confidentiality of information that is made available to them in confidence and not to disclose the information unless required to do so by law. Information expected to be kept confidential should be clearly identified as such prior to it being made available.

# Commitment to a Diverse, Equitable, Inclusive and Respectful Environment

We all have a right to work and associate in a respectful, professional environment free from discrimination, harassment, violence and retaliation and where the well-being of all is safe guarded, equity, diversity and inclusion is encouraged and welcomed, it is safe to discuss what is working and not working, and inappropriate or disrespectful behaviour is not tolerated.

Board members are expected to foster an equitable, diverse, inclusive and safe environment that reflects the organization’s values.

This commitment includes:

- a. Supporting equity, diversity and inclusion in board composition and staff;
- b. Promoting policies and practices that advance equity, diversity and inclusion and remove systemic barriers.

## Review

The board should review this Code of Conduct at least annually to ensure that it continues to reflect the conduct and compliance expected of board members.

## Acknowledgment and Commitment

Board members will acknowledge and agree to abide by this Code of Conduct by signing a Statement of Understanding and Agreement.

## Appendices

*Conflict of Interest Disclosure Form\**

*Statement of Understanding and Agreement template (for signature) \**

*\* to be drafted following adoption by the board*