## **Summary of Contents**

- Chapter 1. Introduction
- Chapter 2. Definitions
- Chapter 3. Part 1—Organization
- Chapter 4. Part 2—Membership and Authority to Practise Law
- Chapter 5. Part 3—Protection of the Public
- Chapter 6. Part 4—Discipline
- Chapter 7. Part 5—Hearings and Appeals
- Chapter 8. Part 6—Custodianships
- Chapter 9. Part 7—Law Foundation
- Chapter 10. Part 8—Lawyers' Fees
- Chapter 11. Part 9—Incorporation
- Chapter 12. Part 10—General

## **Appendices**

- Appendix A. Legal Profession Act
- Appendix B. Law Society Rules 2015
- Appendix C. Code of Professional Conduct
- Appendix D. Professional Conduct Handbook
- Appendix E. Practice Direction—Re: Approval of Infant Fee
  - Agreements and Settlements in Excess of
  - \$50,000
- Appendix TC. Tables of Concordance

## **Bibliography**

**Table of Cases** 

Index

## **Table of Contents**

## **CHAPTER 1. INTRODUCTION**

# I. A SYNOPSIS OF THE ACT; A SELECTIVE LEGISLATIVE HISTORY

- § 1:1 A Synopsis of the Act
- § 1:2 A Selective Legislative History

## II. CONSTITUTIONAL QUESTIONS

| § 1:3   | Introduction  |
|---------|---|
| § 1:4   | Setting qualifications  |
| § 1:5   | Contingent fee agreements   |
| § 1:6   | Advertising   |
| § 1:7   | Call and admission of persons other than Canadian citizens                |
| § 1:8   | Practice and associations with lawyers outside<br>British Columbia        |
| § 1:9   | Admitting previous testimony in discipline proceedings                    |
| § 1:10  | Effective denial of the "right" to practise                               |
| § 1:11  | Jurisdiction to inquire into the exercise of the prosecutorial discretion |
| § 1:12  | Application of the Charter to the Law Society Rules                       |
| § 1:12  | Immigration consultants   |
| § 1:14  | Delay of discipline proceedings   |
| § 1:15  | Jurisdiction to order practice reviews                                    |
| 3 1:16  | Application of section 11 of the Charter to discipline proceedings        |
| § 1:17  | The Charter and freedom of expression                                     |
| \$ 1:18 | Commitment of lawyers to clients' causes                                  |
| \$ 1:19 | Solicitor-client privilege (professional secrecy)                         |
| § 1:20  | Search and seizure and liberty  |
| § 1:21  | When Charter values are not available as an interpretive tool             |
| 3 1.22  | Injunction restraining unauthorized practice                              |

# III. THE ACT AS CODE; THE PURPOSE OF THE ACT

§ 1:23 The Act as Code

#### § 1:24 The Purpose of the Act

### CHAPTER 2. DEFINITIONS

- § 2:1 Synopsis
- § 2:2 [Section 1 Definitions]
- § 2:3 [Section 1 Definitions—Annotations]
- § 2:4 [Section 1.1 Application]

### CHAPTER 3. PART 1—ORGANIZATION

#### I. DIVISION 1—LAW SOCIETY

- § 3:1 Synopsis
- § 3:2 [Section 2 Incorporation]
- § 3:3 [Section 2 Incorporation—Annotations]
- § 3:4 [Section 3 Object and Duty of Society]
- § 3:5 [Section 3 Object and Duty of Society—Annotations]
- § 3:6 [Section 4 Benchers]
- § 3:7 [Section 4 Benchers—Annotations]
- § 3:8 [Section 5 Lay Benchers]
- § 3:9 [Section 6 Meetings]
- § 3:10 [Section 6 Meetings—Annotations]
- § 3:11 [Section 7 Elections]
- § 3:12 [Section 8 Officers and Employees]
- § 3:13 [Section 8 Officers and Employees—Annotations]

#### II. DIVISION 2—COMMITTEES

- § 3:14 [Section 9 Law Society Committees]
- § 3:15 [Section 9 Law Society Committees—Annotations]
- § 3:16 [Section 10 Executive Committee]

### III. DIVISION 3-RULES AND RESOLUTIONS

- § 3:17 [Section 11 The Nature of the Rules]
- § 3:18 [Section 11 The Nature of the Rules—Annotations]
- § 3:19 [Section 12 Rules Requiring Membership Approval]
- § 3:20 [Section 13 Implementing Resolutions of General Meeting]
- § 3:21 [Section 13 Implementing Resolutions of General Meeting—Annotations]

# CHAPTER 4. PART 2—MEMBERSHIP AND AUTHORITY TO PRACTISE LAW

#### I. SYNOPSIS

§ 4:1 Generally

#### II. DIVISION 1—PRACTICE OF LAW

- § 4:2 [Section 14 Members]
- § 4:3 [Section 15 Authority to Practise Law]
- § 4:4 [Section 15 Authority to Practise Law—Annotations]
- § 4:5 [Section 16 Interprovincial Practice]
- § 4:6 [Section 16 Interprovincial Practice—Annotations]
- § 4:7 [Section 17 Practitioners of Foreign Law]
- § 4:8 [Section 17 Practitioners of Foreign Law—Annotations]
- § 4:9 [Section 18 Association with Non-Resident Lawyers or Law Firms]

## III. DIVISION 2—ADMISSION AND REINSTATEMENT

- § 4:10 [Section 19 Applications for Enrollment, Call and Admission, or Reinstatement]
- § 4:11 [Section 19 Applications for Enrollment, Call and Admission, or Reinstatement—Annotations]
- § 4:12 [Section 20 Articled Students]
- § 4:13 [Section 21 Admission, Reinstatement and Requalification]
- § 4:14 [Section 21 Admission, Reinstatement and Requalification—Annotations]
- § 4:15 [Section 21.1 Prohibition on Resignation from Membership]
- § 4:16 [Section 22 Credentials Hearings]

#### IV. DIVISION 3—FEES AND ASSESSMENTS

- § 4:17 [Section 23 Annual Fees and Practising Certificate]
- § 4:18 [Section 23 Annual Fees and Practising Certificate— Annotations]
- § 4:19 [Section 24 Fees and Assessments]
- § 4:20 [Section 24 Fees and Assessments—Annotations]
- § 4:21 [Section 25 Failure to Pay Fee or Penalty]

# CHAPTER 5. PART 3—PROTECTION OF THE PUBLIC

#### I. SYNOPSIS

- § 5:1 Generally
- § 5:2 [Section 26 Complaints from the Public]
- § 5:3 [Section 26 Complaints from the Public— Annotations]

| § 5:4     | [Section 26.01 Suspension During Investigation]     |
|-----------|---|
| § 5:5     | [Section 26.01 Suspension During Investigation—     |
|           | Annotations]  |
| § 5:6     | [Section 26.02 Medical Examination]                 |
| § 5:7     | [Section 26.1 Written Notification to Chief Judge]  |
| § 5:8     | [Section 27 Practice Standards]                     |
| § 5:9     | [Section 27 Practice Standards—Annotations]         |
| § 5:10    | [Section 28 Education]                              |
| § 5:11    | [Section 28 Education—Annotations]                  |
| § 5:12    | [Section 29 Specialization and Restricted Practice] |
| § 5:13    | [Section 30 Professional Liability Insurance]       |
| § 5:14    | [Section 30 Professional Liability Insurance—       |
|           | Annotations]  |
| § 5:15    | [Section 30.1 Application of Other Acts to Society  |
|           | Indemnification Program]                            |
| § 5:16    | [Section 30.2 Third Person Right of Action Against  |
|           | Indemnitor]   |
| § 5:17    | [Section 31 Special Compensation Fund]              |
| § 5:18    | [Section 32 Financial Responsibility]               |
| § 5:19    | [Section 33 Trust Accounts]                         |
| § 5:20    | [Section 33 Trust Accounts—Annotations]             |
| $\S 5:21$ | [Section 34 Unclaimed Trust Money]                  |
| $\S 5:22$ | [Section 34 Unclaimed Trust Money—Annotations]      |
| § 5:23    | [Section 35 Restriction on Suspended and Disbarred  |
|           | Lawyers]  |
|           |   |

## CHAPTER 6. PART 4—DISCIPLINE

| Synopsis  |
|---|
| Annotations   |
| [Section 36 Discipline Rules]                               |
| [Section 36 Discipline Rules—Annotations]                   |
| [Section 37 Search and Seizure]                             |
| [Section 37 Search and Seizure—Annotations]                 |
| [Section 37.1 Personal Records in Investigation or Seizure] |
| [Section 38 Discipline Hearings]                            |
| [Section 38 Discipline Hearings—Annotations]                |
| [Section 39 Suspension]                                     |
| [Section 39 Suspension—Annotations]                         |
| [Section 40 Medical Examination]                            |
|   |

# CHAPTER 7. PART 5—HEARINGS AND APPEALS

§ 7:1 Synopsis

#### TABLE OF CONTENTS

| 8 7:Z  | [Section 41 Panels]                          |
|--------|--|
| § 7:3  | [Section 41 Panels—Annotations]              |
| § 7:4  | [Section 42 Failure to Attend]               |
| § 7:5  | [Section 43 Right to Counsel]                |
| § 7:6  | [Section 43 Right to Counsel—Annotations]    |
| § 7:7  | [Section 44 Witnesses]                       |
| § 7:8  | [Section 44.1 Application of Administrative  |
|        | Tribunals Act]                               |
| § 7:9  | [Section 45 Order for Compliance]            |
| 8 7.10 | [Costion 45 1 Cosistar Dogwood for Enidomod] |

- § 7:10 [Section 45.1 Society Request for Evidence]
- § 7:11 [Section 46 Costs]
- § 7:12 [Section 46 Costs—Annotations]
- § 7:13 [Section 47 Review on the Record]
- § 7:14 [Section 47 Review on the Record—Annotations]
- § 7:15 [Section 48 Appeal]
- § 7:16 [Section 48 Appeal—Annotations]

### CHAPTER 8. PART 6—CUSTODIANSHIPS

- § 8:1 Synopsis
- § 8:2 [Section 49 Definitions]
- § 8:3 [Section 50 Appointment of Custodian]
- § 8:4 [Section 50 Appointment of Custodian— Annotations]
- § 8:5 [Section 50.1 If Society Appointed as Custodian]
- § 8:6 [Section 51 Powers of Custodian]
- § 8:7 [Section 52 Society Access to Property]
- § 8:8 [Section 53 Property in the Custody of a Custodian]
- § 8:9 [Section 54 Applications to the Court]
- § 8:10 [Section 54 Applications to the Court—Annotations]
- § 8:11 [Section 55 Custodianship Rules]
- § 8:12 [Section 56 Liability and Costs]
- § 8:13 [Section 56 Liability and Costs—Annotations]

## **CHAPTER 9. PART 7—LAW FOUNDATION**

- § 9:1 Synopsis
- § 9:2 [Section 57 Definitions]
- § 9:3 [Section 58 Law Foundation of British Columbia]
- § 9:4 [Section 59 Board of Governors]
- § 9:5 [Section 60 Bylaws]
- § 9:6 [Section 61 Application of Fund]
- § 9:7 [Section 62 Interest on Trust Accounts]
- § 9:8 [Section 63 Security and Investment of Trust Funds]

## CHAPTER 10. PART 8—LAWYERS' FEES

§ 10:1 Synopsis

| § | 10:2  | [Section 64 Definitions and Interpretation]                                    |
|---|-------|--|
| § | 10:3  | [Section 64 Definitions and Interpretation—<br>Annotations]                    |
| § | 10:4  | [Section 65 Agreement for Legal Services]                                      |
| § | 10:5  | [Section 65 Agreement for Legal Services—<br>Annotations]                      |
| § | 10:6  | [Section 66 Contingent Fee Agreement]  |
| § | 10:7  | [Section 66 Contingent Fee Agreement—  |
|   |       | Annotations]   |
| § | 10:8  | [Section 67 Restrictions on Contingent Fee<br>Agreements]                      |
| § | 10:9  | [Section 67 Restrictions on Contingent Fee                                     |
|   |       | Agreements—Annotations]  |
| § | 10:10 | [Section 68 Examination of an Agreement]                                       |
| § | 10:11 | [Section 68 Examination of an Agreement—<br>Annotations]                       |
| 8 | 10:12 | [Section 69 Lawyer's Bill]   |
|   | 10:13 | [Section 69 Lawyer's Bill—Annotations]   |
| _ | 10:14 | [Section 70 Review of a Lawyer's Bill]   |
| _ | 10:15 | [Section 70 Review of a Lawyer's Bill—   |
| - |       | Annotations]   |
|   | 10:16 | [Section 71 Matters to be Considered by the Registrar on a Review]             |
| § | 10:17 | [Section 71 Matters to be Considered by the Registrar on a Review—Annotations] |
| § | 10:18 | [Section 72 Costs of a Review of a Lawyer's Bill]                              |
| § | 10:19 | [Section 72 Costs of a Review of a Lawyer's Bill—Annotations]                  |
| § | 10:20 | [Section 73 Remedies that May be Ordered by the Registrar]                     |
| 8 | 10:21 | [Section 73 Remedies that May be Ordered by the                                |
| 8 | 10.21 | Registrar—Annotations]   |
| 8 | 10:22 | [Section 74 Refund of Fee Overpayment]   |
| _ | 10:23 | [Section 75 Appeal]  |
| _ | 10:24 | [Section 75 Appeal—Annotations]  |
| _ | 10:25 | [Section 76 Registrar's Certificate]   |
| _ | 10:26 | [Section 76 Registrar's Certificate—Annotations]                               |
| _ | 10:27 | [Section 77 Order to Deliver Bill or Property]                                 |
| _ | 10:28 | [Section 77 Order to Deliver Bill or Property—                                 |
| 2 | 10.20 | Annotations]   |
| 8 | 10:29 | [Section 78 Change of Lawyer]  |
| _ | 10:30 | [Section 78 Change of Lawyer—Annotations]                                      |
| _ | 10:31 | [Section 79 Lawyer's Right to Costs Out of                                     |
|   |       | Property Recovered]  |
| § | 10:32 | [Section 79 Lawyer's Right to Costs Out of<br>Property Recovered—Annotations]  |

### CHAPTER 11. PART 9—INCORPORATION

- § 11:1 Synopsis
- § 11:2 [Section 80 Definitions]
- § 11:3 [Section 81 Authorized and Prohibited Activities of Law Corporations]
- § 11:4 [Section 82 Law Corporation Permit]
- § 11:5 [Section 83 Law Corporation Rules]
- § 11:6 [Section 83.1 Limited Liability Partnerships]
- § 11:7 [Section 84 Responsibility of Lawyers]
- § 11:8 [Section 84 Responsibility of Lawyers—Annotations]

## CHAPTER 12. PART 10—GENERAL

- § 12:1 Synopsis
- § 12:2 [Section 85 Enforcement]
- § 12:3 [Section 85 Enforcement—Annotations]
- § 12:4 [Section 86 Protection Against Actions]
- § 12:5 [Section 86 Protection Against Actions— Annotations]
- § 12:6 [Section 87 Certain Matters Privileged]
- § 12:7 [Section 87 Certain Matters Privileged— Annotations]
- § 12:8 [Section 88 Non-Disclosure of Privileged and Confidential Information]
- § 12:9 [Section 88 Non-Disclosure of Privileged and Confidential Information—Annotations]
- § 12:10 [Section 89 Confidential Documents]
- § 12:11 [Section 90 Service]
- § 12:12 [Section 91 Law Society Insurance]
- § 12:13 [Section 92 Legal Archives]

## **APPENDICES**

- Appendix A. Legal Profession Act
- Appendix B. Law Society Rules 2015
- Appendix C. Code of Professional Conduct
- Appendix D. Professional Conduct Handbook
- Appendix E. Practice Direction—Re: Approval of Infant

Fee Agreements and Settlements in

Excess of \$50,000

Appendix TC. Tables of Concordance

#### **Bibliography**

#### **Table of Cases**

## Index