



Policy Development and Advocacy Policy

1. **Definitions**

Terms defined by the Bylaws apply to these policies, unless otherwise expressly stated.

1.1. **“Agenda for Justice”** means the document published by CBABC outlining recommendations to the provincial government for law and justice policy reform.

1.2. **“Core Principles”** means that CBABC and its members are committed to:

- Upholding the rule of law;
- An impartial and independent judiciary, without which there is no rule of law;
- An independent legal profession, without which there is no rule of law;
- Improving the law;
- Improving the administration of justice;
- Improving and promoting access to justice for all people;
- Promoting equality, diversity and inclusiveness in the legal profession and justice system;
- Promoting reconciliation with Indigenous peoples; and
- Improving and promoting the knowledge, skills, ethical standards and well-being of members of the legal profession.

1.3. **“Manager”** means the Manager, Policy & Advocacy.

1.4. **“Section Executive”** means, with respect to each CBABC Section, the collective of members elected or acclaimed to the positions of Chair/Co-chair, Vice-Chair, Law & Policy Liaison, or Member at Large as reported to the CBABC in accordance with the Sections Policy, or as otherwise authorized by the Executive Director.

1.5. **“Submissions”** are expressions of policy, analysis, recommendation, endorsement or position communicated by the CBABC or any constituent group to other organizations or individuals, or to the public. This includes expressions represented as the position of the CBABC or constituent group and endorsements of a position taken by another organization or individual.

The following kinds of expressions constitute Submissions:

- Formal written briefs or resolutions of the CBABC, or any of its constituent bodies;
- Correspondence on CBABC letterhead; or
- Oral Submissions and public appearances on behalf of the CBABC.

2. Purpose of this Policy

2.1. The purpose of this policy is:

- 2.1.1.** To execute policy development and advocacy by the CBABC and its constituent groups in a manner accountable to CBA members.
- 2.1.2.** To clarify the roles, responsibilities and authority of individuals and constituent groups in policy development and advocacy.
- 2.1.3.** To maximize the value of the CBABC's professional and public interest advocacy as a service to members.
- 2.1.4.** To use staff and volunteer resources effectively to achieve results in CBABC advocacy.

2.2. All CBABC Submissions are governed by this Policy. Intervention applications by CBABC are governed by the CBA Intervention Policy.

3. Setting Priorities

3.1. CBABC focuses our members' influence in key areas of the law with governments, regulators, the courts, media and the public. Our work involves:

- Issues of importance to the legal profession generally;
- Issues of direct relevance to CBABC members in their practice areas; and
- Issues addressing the CBABC's Core Principles.

3.2. As a voluntary organization, the CBABC must use limited volunteer and staff resources effectively. This means setting priorities for maximum effect.

3.3. In consultation with the Policy & Advocacy Committee, the Executive Director and Manager, the Board of Directors shall set advocacy priorities on an annual basis.

3.4. When considering priorities for its advocacy to the provincial government, Law Society of BC, the courts, or others, the Board of Directors shall consider:

- Submissions included in the Agenda for Justice;
- Progress to date on adoption of CBABC Submissions;
- Importance and impact of the Submission on the profession;
- Importance and impact of the Submission on CBABC members; and
- In the case of Submissions to the provincial government, the advice of CBABC's government relations consultants.

4. Preparing Submissions

4.1. Submissions are initiated in several ways:



- The Executive Director or Manager sends a call for consultation or discussion paper to interested Sections, Committees or Working Groups;
 - Constituent groups self-identify issue(s) to address proactively;
 - External body requests input to the constituent group or to a Director;
 - Request from the President, Board of Directors, Policy & Advocacy Committee or Legislative & Law Reform Committee.
- 4.2. As a first step, the Executive Director or Manager and the Chair(s) of the constituent group(s) must determine whether to pursue a Submission, taking into account:
- Whether the matter is a priority issue as identified by the Board of Directors and updated;
 - The relative importance of the issue to the constituent group(s);
 - Whether CBABC is best placed to inform change;
 - The likelihood of influencing change;
 - Whether a Submission is the most effective means to influence the debate;
 - The time frame in which to prepare the Submission; and
 - The available resources and capacity to produce a Submission.
- 4.3. If the decision is to prepare a Submission, constituent group and Executive Director or Manager will agree on:
- The constituent group's liaison person for the Submission;
 - Other constituent groups with which to consult;
 - Who will prepare what; and
 - Timelines, taking into account writing, editing, consultations, constituent group(s) approval, and approval by the Policy & Advocacy Committee, Board of Directors or President.
- If the constituent group fails to inform the Director early in the submission development process or fails to respect the agreed time lines, the Policy & Advocacy Committee may decide that work on the submission will not continue, or recommend that the submission not be approved.
- 4.4. In the event that a Director and constituent group do not agree on whether or not to prepare a submission, the Board will make the decision.

5. **Deliverables**

- 5.1. The constituent group's deliverables may include:
- Expertise on substantive issues, including preparation of written Submissions;
 - Identification of constituent groups with whom to consult;
 - Tracking issues through government, LSBC or the courts;
 - Input on priority issues for response;
 - Respect for agreed deadlines in preparing and ratifying written Submissions;
 - Input on strategic lobbying plan; and
 - Establishing mechanisms to deal with law reform issues within the group .



5.2. The Manager's deliverables may include:

- Finalizing style and format;
- Guiding Submission development through the consultation process;
- Guiding Submissions through the approval process;
- If an appearance before an external body is indicated, making the arrangements;
- Assistance in identifying key decision-makers;
- Administration of meetings with key decision-makers;
- Tracking issues through government, the Law Society of BC, the courts, or others;
- Developing the strategic lobbying plan;
- Assistance in developing effective messages; and
- Assistance in preparing volunteers for meetings and appearances.

6. Consultation and Consensus

- 6.1. CBABC effectiveness in advocacy is based equally on its reputation for objectivity and independence, its professional expertise, and its provincial and national voice. Participation in CBABC constituent groups gives members an opportunity to influence law reform and public policy, and to ensure that CBABC Submissions reflect a balanced position on the range of expertise and views within the CBABC.
- 6.2. Preparing a Submission on behalf of the CBABC or a constituent group carries a responsibility to other CBABC members to ensure all views are invited and heard.
- 6.3. Consultation includes:
- Identifying other constituent groups through which to gather member input;
 - Issuing an invitation for input through an in-person or virtual meeting, email feedback or engagement software to develop a position; and
 - Engaging with all input about an issue, including that which may reflect a minority of members.
- 6.4. Each CBABC Section will establish a Law and Policy Liaison whose responsibilities will include communication with a Director and the Legislation and Law Reform Committee about issues on which to proactively develop Submissions, and to respond to calls for consultation on proposed law reform.
- 6.5. CBABC will present one Submission on any issue. Submissions will reflect the consensus on the issue and where consensus is not achieved, should reflect recommendations held by the majority and by reasonably-sized minorities, where the recommendations are consistent with the Core Principles in section 1.2.



- 6.6. In the event that a Submission cannot be finalized by the constituent group, the draft Submission will be finalized by the Policy & Advocacy Committee or Legislation & Law Reform Committee, as applicable.

7. Approval Process

- 7.1. The approval process ensures that statements are consistent with CBA and CBABC policies, and that the CBABC speaks with one voice. This ensures CBABC credibility and ability to influence change, as well as accountability to CBABC members.
- 7.2. When considering a Submission for review or approval, Committees, the Board of Directors or President must consider factors including:
- Whether the Submission accurately reflects the law;
 - Whether the Submission is consistent with or compatible with existing CBABC Submissions and CBA policies;
 - Whether the Submission reflects the Core Principles;
 - Where the Submission fits within the CBABC's annual advocacy priorities;
 - Whether the Submission represents the range of interests in the topic amongst CBABC membership (even when considering a statement on behalf of a Section, views of other constituent groups with an interest in the subject matter should be sought or a joint Submission considered);
 - Whether all aspects of an issue have been canvassed thoroughly and considered in a balanced manner, and whether the resulting conclusion either represent a consensus or acknowledges differing opinions as set out in section 6.5 above;
 - Whether the submission is expressed in language and in a form that will be understood by its intended audience, in particular:
 - it describes background and purpose;
 - it can be understood without reference to other documentation;
 - all conclusions are supported by clearly expressed reasons;
 - all conclusions and reasons are well supported by fact, law and policy;
 - tone is dispassionate and objective, avoiding a defensive or antagonistic approach;
 - recommendations reflect constructive ways to improve, not just criticism;
 - quality of appearance and style consistent with CBABC standards; and
 - does the format reasonably follow the spirit and intent of the drafting guidelines, with no grammatical or typographical errors.
- 7.3. The Manager coordinates the three stages of review and approvals:
1. Review and recommendation by the committee, Section Executive, and other constituent group;



2. (a) In the case of legislative and law reform where the Submission is from a Section or Working Group, review of recommendations and approval by the Legislation and Law Reform Committee;
(b) In the case of justice or public policy reform where the Submission is from a Section, Committee or Working Group, review and recommendations and approval by the Policy & Advocacy Committee;
 3. Approval by the Board of Directors, if any of the following apply:
 - (a) Either the Legislation and Law Reform Committee or Policy & Advocacy Committee refers the Submission to the Board of Directors; or
 - (b) The Submission is directed to the Law Society, courts or any audience other than the Ministry of Attorney General.
- 7.4 These reviews contemplate a dialogue between levels of approval with respect to any revisions.
- 7.5 Where deadlines or urgency of Submissions compromise the time available for consideration and approval by the Legislation and Law Reform Committee, Policy & Advocacy Committee, or Board of Directors, the President, in consultation with the First and Second Vice-Presidents, will provide final approval and report to the relevant Committee or Board.
- 7.6 **Only approved Submissions reflect CBABC policies. No unapproved submission may bear the name of the CBABC or its logo.**
- 8. Spokesperson**
- 8.1. The President is the spokesperson on behalf of CBABC. The President may delegate that role to another CBABC member with subject-matter expertise, such as a Section Chair, or Committee Member.
- 8.2. The President or their delegate may speak on behalf of CBABC members only in accordance with CBABC Submissions and Core Principles.
- 9. Publication and Monitoring**
- 9.1. CBABC will deliver Submissions to the appropriate representative of the provincial government, Law Society of BC, courts, or other stakeholder, copying any relevant individuals or organizations.
- 9.2. Submissions are posted at www.cbabc.org and reported to members of the constituent groups, or the membership as a whole through BarTalk, News & Jobs and the Annual Report.



- 9.3. Responses to Submissions will be posted at www.cbabc.org and reported to members.
- 9.4. The Manager will monitor changes brought about by Submissions and will report annually to the Board of Directors, Policy & Advocacy Committee, and Legislation and Law Reform Committee.

10. Provincial Lobbyists Transparency Act Obligations

- 10.1. The Lobbyists Transparency Act applies only to activities undertaken for payment and accordingly the CBABC President, who receives an honorarium, and CBABC staff who interact with government are registered as lobbyists under the Act.
- 10.2. Volunteers may be authorized by the President on behalf of CBABC to meet with “designated public officer holders” as defined in the Act. If asked if they are registered, volunteers may confirm that they are a volunteer with CBABC and accordingly are not required to register.

Appendix 1: DRAFTING GUIDELINES FOR SUBSTANTIVE SUBMISSIONS

This is a guide to the form and content of substantive Submissions prepared by the CBABC or its constituent groups. Templates are available from the Manager.

1. Table of Contents
List the topic headings in the submission, with page numbers.
2. Preface
This is provided by the Manager. It describes the Association and the constituent group, and indicates that the submission has been approved as a statement of CBABC. It will also confirm that sufficient consultation has occurred, all aspects of the issue have been canvassed in a balanced matter, and the resulting conclusion represents a consensus; and where consensus is not achieved, that the submission acknowledges differing interest and opinions.
3. Executive Summary
Longer Submissions should include an executive summary conveying an overview of key points and the essence of the recommendations.
4. Introduction
Set out the scope of the submission, including the terms of reference. Set out the general approach and philosophy used in the analysis. Summarize the current law or policy on the subject and, if appropriate, how the current situation is inadequate. Briefly identify the major issues considered in the submission.
5. Analysis and Recommendations
Analyze the subject matter, issue by issue. Each issue should be in a separate section and the sections should be ordered in a logical progression. Recommendations should be set apart from the discussion, either at the beginning or end of each section. Include analysis of how the recommendations accord with the *Declaration on the Rights of Indigenous Peoples Act*. Conclusions should be clearly supported.
6. Citations
 - Citations should follow the most recent edition of Canadian Guide to Uniform Legal Citation.
 - Case citations should be to one reporting service, preferably to a publicly available source such as CanLII, in footnotes to the text.
 - Citations to unpublished material should indicate the source of the material and where it can be obtained.
 - References to statutory sections should include the full citation and, where possible, the full text of the provision, either in the text or in a footnote.
 - References to material available on the internet should be hyperlinked.
7. Summary of Recommendations
List the recommendations in a separate section at the end of the submission.