

EXECUTIVE COMMITTEE MEETING
Friday, February 17, 2017
CBABC Boardroom 9:00 am to 3:00 pm

PRESENT

Michael Welsh, President
Bill Veenstra, Vice President
Margaret Mereigh, Secretary Treasurer
Jennifer Chow QC, Past President
Kenneth Armstrong, Officer
Denese Espeut-Post, Officer
Sarah Klinger, Officer
Dierk Ullrich, Officer
Tina Dion QC, Equality & Diversity Rep
Ainsley Reimer, Young Lawyer Rep

STAFF PRESENT

Caroline Nevin, Executive Director
Andrew Smith, Executive Coordinator

CALL TO ORDER

The February 17, 2017 CBABC Executive Committee meeting was called to order at 9:00 am.

1. Review and Approval of Consent Agenda Items & Roundtable Updates

The consent agenda items were adopted as circulated.

- Approval of Agenda for February 17 2017 meeting;
- Adoption of minutes of the December 16 2016 meeting
- Acceptance of written Officer Reports
 - Michael Welsh
 - Bill Veenstra
 - Jennifer Chow
 - Ken Armstrong

In addition to his written report, Mr. Veenstra reported that the 2017 Conference Committee is struggling to keep registration fees down, largely because of the food & beverage costs that the conference hotel total approximately \$950 per person. The 2017 Conference Committee is looking at a registration fee of \$1200 per person, and would require 200 attendees to cover Branch expenses.

Ms. Nevin noted that the funding model for the conference is such that \$25,000 revenue be generated and, despite the \$1200 per person registration fee, it will not be.

2. CBABC Report on Electronic Litigation in BC

President Welsh welcomed the Executive Committee as well as guests:

- Chief Justice Hinkson, invited to discuss the CBABC Court Services Committee's submission titled *Pathway Forward: Electronic Litigation in BC*,
- John Caldwell and Neil Hain of the CBABC Court Services Committee.

The Chief Justice reported that the *Pathway Forward: Electronic Litigation in BC* report has been shared with his Executive Committee and posed various questions and noted various concerns at the proposals made. In particular, the Chief Justice expressed concern at the availability of resources to deal with applications made electronically in light of both staffing support and the number of judges currently appointed to the Court.

John Caldwell thanked Chief Justice Hinkson for considering the report, and sharing it with his Executive Committee. Mr. Caldwell asked about the possibility of a narrow targeted pilot project to test the feasibility of electronic applications. This led to a discussion of registries at which a pilot project might occur, as well as ongoing concerns about staffing support and judicial complement which make a pilot project unlikely at the present time.

Mr. Veenstra noted that the report refers to electronic applications, and asked Mr. Hain what that would entail. Mr. Hain reported that for fairly routine and straightforward applications it wouldn't be limited to filing, but that submissions would be made, and evidence would be filed as well.

Chief Justice Hinkson noted that in some cases one side is quite capable of dealing with matters electronically, but the other side is not. If one side is not capable of doing their share electronically, everything would need to be done by paper.

There was a further discussion of efforts being made by superior courts across Canada to promote innovation. Chief Justice Hinkson noted that representatives of the various courts meet three times per year to discuss such initiatives. While it is important to keep informed in this manner, each province has unique circumstances and ultimately the courts in each province must work within the parameters of the available resources.

3. Agenda for Justice

Mr. Welsh reported that the Agenda for Justice has been rolled out, and the Branch subsequently has garnered a great deal of publicity in the last week. In addition to an article by Ian Mulgrew, Mr. Welsh has taken part in three interviews and has another scheduled for later in the week. Meetings with government officials have also been scheduled for the following week.

Mr. Veenstra reported that the Government Relations Committee has had discussions regarding the engagement strategy, and what other organizations might be able to provide support on some of the ideas contained in the Agenda for Justice. Organizations that have been identified as a potential fit include: BC Chamber of Commerce, Crown Counsel Association, British Columbia Cycling Coalition, Cycling Coalition of Greater Victoria, Native Court Workers and Counselling Association, Prince George Chamber of Commerce, Union of BC Municipalities, West Coast LEAF, and Legal Services Society of BC.

It was agreed that the Trial Lawyers Association of BC be added to the list, and also that Mr. Veenstra check with Sarah Weddell as to why the Prince George Chamber of Commerce is featured on the draft list.

Members of the Executive were also reminded to sign up to meet with local MLA's if they have not yet done so.

4. Truth and Reconciliation Working Group/Initiatives

Ms. Dion reported that a number of people have now expressed interest in volunteering to serve on the Truth and Reconciliation Working Group, and the group is now working to identify a date for the first meeting. At that meeting, it is anticipated that the group will identify Terms of Reference as well as any potential sub groups that may be required. It was also noted that Karey Brooks is drafting an agenda for the meeting, and it is not yet determined who will Chair the Working Group.

Mr. Veenstra reported that Ms. Nevin will be attending the initial meeting of the Working Group to assess whether staffing resources will be required by the Working Group. If so, funds will need to be allocated from the Special Projects budget.

Ms. Espeut-Post referred to a discussion that took place in a previous Executive Committee meeting in which it was reported that Alex Shorten had agreed to participate in a review of Branch Committees. Mr. Welsh thanked Ms. Espeut-Post for bringing that up, and agreed to follow up to ensure this review proceeds.

5. Proposal to Include YLF Enrolment in Student Memberships

The Executive Committee discussed a recently received note, from law school student member Greg von Euw, suggesting that the Branch put forward a resolution that would result in automatic enrollment in a Young Lawyers Section for all law students in British Columbia.

Ms. Nevin noted that the Branch has four Young Lawyer Sections, and suggested that perhaps the National Law Students Forum would be a better fit. It was agreed that Ms. Nevin will contact the National Office to determine whether law student members are automatically enrolled in the National Law Student Forum.

Ms. Reimer commented that law students seek networking opportunities, and being enrolled in a National Student Forum would not provide the same opportunity that a local Young Lawyer Forum would.

Following further discussion the Executive Committee agreed that an opt-in notice is preferable to automatic enrollment.

MOVED THAT: upon receiving confirmation from the National CBA office that a law student has become a member of the BC Branch, an email will be sent to them with information about Young Lawyer Forums in BC asking if they would like to join.

Sarah Klinger **MOVED** Jennifer Chow QC **SECONDED** **CARRIED**

Ms. Dion then inquired whether the same thing could be done for the Aboriginal Lawyers Forum, resulting in the following resolution.

MOVED THAT: upon receiving confirmation from the National CBA office that a law student has become a member of the BC Branch, an email will be sent to them with information about the Aboriginal Lawyers Forum if they have self-identified as being of First Nations heritage.

Tina Dion QC **MOVED** Jennifer Chow QC **SECONDED** **CARRIED**

6. REAL Update and Discussion of Mandate Expansion

Mr. Welsh reported that the REAL Advisory Committee recently had its first meeting, and has another scheduled for February 28th. A memo was circulated to REAL Advisory Board members asking if they have connections within communities to reach out. The Committee hopes to get enough potential placement opportunities to begin screening at the end of the month, with a goal of at least ten.

The REAL Advisory Board also discussed other pilot projects that the Branch could consider, and Lorraine Nylund and Carolyn Lefebvre are working on a proposal as a result.

7. Feb.24/25 National Board Meeting Agenda

President Welsh referred to the National Board Meeting material handout, and asked the Executive whether there were any concerns that he, or Mr. Veenstra, should be made aware of.

Ms. Dion noted that, to her surprise, Truth & Reconciliation was not featured anywhere on the agenda. Mr. Welsh agreed that it is curious, and hopes to find out when it will be a topic of discussion for the National Board.

Mr. Welsh asked Mr. Veenstra if there is a sense of what the costs associated with international relationships are, and Mr. Veenstra noted that he will look further into the matter. Other members of the Executive voiced concern that a cost-benefit analysis of some sort should be considered in that regard, especially given the relative lack of financial strength across the organization, and that this seems to be more a volunteer-first priority rather than a member-first priority.

Mr. Veenstra voiced disappointment in the draft "Charter" documents circulated by the Sections Transition Team, noting that that there had been discussion during the Re-Think process about cutting down on the size of national section executives, but that no such changes have been proposed and that there is no thought being given to making Sections more nimble. Mr. Armstrong requested that Mr. Veenstra send him an email summarizing that notion so that he may pass it along to the CBABC Sections Standing Committee.

8. New Westminster Family Section

Mr. Welsh followed up on an issue whereby CBABC funds are being held in trust in respect of the New Westminster Family Law Section from previous years, and despite speaking with the individual believed to have access to the funds, the Branch has been unable to obtain them.

It was agreed that Mr. Welsh contact Laurence Scott, President of the New Westminster Bar Association, who is well connected with lawyers in New Westminster, to discuss the situation with him, given that the Branch is at the point of issuing a demand letter, and to see if Mr. Scott he has any further recommendations on what actions the Branch might take before proceeding formally.

9. Law School Scholarships

Ms. Mereigh referred to the Donation Agreement contained in the materials, and noted that this is a follow up from previous discussions on how to standardize the funding of the three CBABC law school scholarships. There were no questions, and the following motion was passed:

MOVED THAT: \$30,000 from the Operating Reserve Fund be transferred to TRU for the endowment of the CBABC scholarship.

MOVED Margaret Mereigh **SECONDED** Tina Dion **CARRIED**

10. PC County Vacancies 2017/2018

Executive Committee members were reminded of the upcoming Provincial Council election, and were provided with a list of vacancies for each of the Counties.

11. Waiver of Member Fees for Retired Past Presidents

The Executive Committee followed up on an item originally featured on the agenda of the November 18, 2016 Executive Committee meeting, regarding a suggestion that Past Presidents who have retired from practice should be given honorary membership. That rationale behind the suggestion is that Past Presidents are a good resource to be called upon when needed for CBA volunteer and advisory capacities, but that paying the \$400 membership cost to be eligible to volunteer is steep. At that meeting it was agreed that CBA National be contacted to determine the cost implications of such a change, and to determine how many individuals would fall into this category.

Ms. Nevin reported that 6 individuals fall into that category and, if formally requested by the Branch, would need to be approved by the Management Group as it could have a trickle-down effect on other Branches. It was also noted that the CBA does have an honorary status, but to receive it one must have been called to the Bar for at least fifty years and a member of the CBA for at least twenty years.

A motion was made to direct Ms. Nevin to explore with the Management Group the waiving of fees for retired Past Presidents, however the motion was defeated.

12. Groia Intervention

The Executive reviewed an intervention proposal received from Pierre Bienvenu and Andres Garin, of Norton Rose Fulbright, seeking approval to intervene on behalf of the CBA in the Groia case for which leave to appeal has been granted by the Supreme Court of Canada.

Mr. Welsh noted that the Branch has been asked by the national CBA office “do you see your Branch as having a special interest in the case”, and asked for others’ views.

Ms. Chow provided additional background on matters that arose during her tenure as CBABC President. She noted that the Branch opposed the initial proposal, received last year, to intervene when the matter was before the Ontario Court of Appeal, based upon the positions taken by Norton. She noted that a request to frame the CBA position differently at the time was declined. The CBA Board ultimately rejected the proposed intervention at the Court of Appeal level. Ms. Chow confirmed that she would not support intervening on the most recent Norton Rose argument.

Mr. Veenstra commented that he takes no issue with most of what is proposed, but wonders if when looking at the conduct of an advocate a trial judge and Law Society are looking at two different things.

Mr. Ullrich commented that the CBA has looked at the case previously, and because nothing has since changed, sees no reason to change his view from last year.

Mr. Armstrong noted that he is not supportive of this intervention as framed, not so much on whether the CBA should intervene, but upon the basis proposed. Ms. Espeut-Post echoed Mr. Armstrong.

Mr. Welsh asked that Executive Committee members email him any further thoughts on the matter by Friday.

13. In-Camera with Executive Director

This item was conducted in camera.

MICHAEL WELSH
President, 2016-2017

CAROLINE NEVIN
Executive Director