



October 23, 2018

Miriam Kresivo, QC
President, LSBC
c/o davison@lsbc.org

Dear Ms. Kresivo

Re: Law Society AGM resolution 2

The Legal Services Society is grateful for the work the Law Society has done to promote public discussion about legal aid, in particular the November 2016 colloquium, the Law Society's vision statement on publicly funded legal aid and the upcoming second colloquium.

The Law Society's leadership has significantly increased awareness amongst BC's lawyers of the many challenges the Legal Services Society faces. This increased awareness has led to member resolution 2 at the Law Society's annual general meeting. Resolution 2 calls for the Law Society to mandate that lawyers represent legal aid clients for free.

While the sentiments of resolution 2 are noble, implementation poses legal and administrative hurdles for the Legal Services Society as well as risks to the many clients we serve. It also has the unintended consequence of disparaging the work of the many lawyers who have dedicated their careers to legal aid clients.

LSS does not intend to make any statement at your AGM as the debate is for your members and not for corporate organizations such as LSS. I also recognize that approval of resolution 2 is not binding on the Law Society. I thought, however, that I would offer a brief comment on the concerns LSS has with the resolution.

The most obvious concern is the assumption that every lawyer is competent to represent a legal aid client. Legal aid cases are complex, often lengthy and our clients frequently face barriers such as mental health problems and substance abuse not seen in a typical law practice.

Lawyers who regularly take legal aid cases are committed professionals whose skills are as specialized as the solicitor who focuses solely on securities transactions. For example, forty per cent of legal aid clients are Indigenous and many legal aid lawyers have taken cultural competency training so they can serve these clients better.

Resolution 2 would require the Legal Services Society to distribute legal aid contracts amongst 10,000 lawyers rather than amongst those who have specialized in the field. It would hamper LSS's obligation to ensure our clients receive the specialized representation they need to resolve their legal problems and it would hinder the development of a sustainable legal aid bar.

The second, equally obvious, concern is the administrative difficulties resolution 2 poses. It would require amendments to the *Legal Services Society Act* and to the *Legal Profession Act* to redefine the roles of the two societies in the provision of legal aid services. It would also require profound changes to LSS's operations.

Every profession has an obligation to provide pro bono services and LSS fully supports efforts to promote pro bono work, but pro bono is no substitute for a properly funding legal aid program that provides adequate compensation for its service providers.

A handwritten signature in black ink, appearing to read 'Mark Benton'.

Mark Benton, QC

Chief Executive Officer

cc: Celeste Haldane, Chair, Legal Services Society
Don Avison, CEO, Law Society of BC
Kurt Sandstrom, QC, Ministry of Attorney General