



NO. S-243258  
VANCOUVER REGISTRY

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA

PLAINTIFF

AND:

HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF  
BRITISH COLUMBIA, ATTORNEY GENERAL OF BRITISH  
COLUMBIA, and LIEUTENANT GOVERNOR IN COUNCIL  
OF BRITISH COLUMBIA

DEFENDANTS

AND:

CANADIAN BAR ASSOCIATION, INDIGENOUS BAR  
ASSOCIATION, SOCIETY OF NOTARIES PUBLIC OF  
BRITISH COLUMBIA, LAW FOUNDATION OF BRITISH  
COLUMBIA and LAW SOCIETY OF MANITOBA

INTERVENORS

**NOTICE OF APPLICATION**

**Name of Applicant:** The Plaintiff, LAW SOCIETY OF BRITISH COLUMBIA

TO:

His Majesty the King in right of the Province of  
British Columbia, the Attorney General of  
British Columbia and the Lieutenant Governor  
in Council of British Columbia

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TAKE NOTICE that an application will be made by the Law Society of British Columbia to the Honourable Chief Justice Skolrood at the Courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia on **Tuesday, October 14, 2025 at 10:00 a.m.** for the orders set out in Part 1 below.

The applications have been set through a judicial case management order made November 27, 2024, for 14 hearing days beginning October 14, 2025.

- ☐ This matter is within the jurisdiction of an Associate Judge.
- ☒ This matter is not within the jurisdiction of an Associate Judge.

## Part 1: ORDERS SOUGHT

1. Pursuant to Rule 9-7 of the *Supreme Court Civil Rules*, the Law Society of British Columbia (the **Law Society**) seeks the following orders and declarations:
  - (a) a declaration that the *Legal Professions Act*, S.B.C. 2024, c. 26 (**Bill 21**)<sup>1</sup>, save and except sections 311-314, or, alternatively, that Parts 1-6, 15, 17 and 18 (excepting ss. 311-314) of Bill 21, are *ultra vires* provincial authority to legislate under ss. 92(13) and (14) of the *Constitution Act, 1867*;
  - (b) a declaration under s. 52 of the *Constitution Act, 1982* that Bill 21, save and except ss. 311-314, or, alternatively, that Parts 1-6, 15, 17 and 18 (excepting ss. 311-314) of Bill 21, are of no force and effect;
  - (c) interim injunctive relief enjoining the coming into force of the remainder of Bill 21, and in particular s. 5 of Bill 21, until 30 days after the determination of this application;
  - (d) costs of this proceeding; and
  - (e) such further and other relief as this Honourable Court may deem just.

## Part 2: FACTUAL BASIS

### A. Overview

1. An independent bar is “one of the hallmarks of a free society.”<sup>2</sup> Lawyer independence ensures the public’s access to independent courts, and is therefore fundamental to the legitimacy of Canada’s constitutional democracy and to the maintenance of the separation of powers. Provincial legislatures are not free to use legislative authority under s. 92 of the *Constitution Act, 1867* to enact laws that undermine the essential characteristics of the independent bar and the constitutional institutions it upholds.
2. Bill 21 replaces a statutory structure carefully crafted by the independent bar to preserve self-governance and self-regulation of lawyers in the public interest with government imposition of the government’s own policy, informed by its own view of what

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<sup>1</sup> The *Legal Professions Act*, S.B.C. 2024 c. 26 was enacted on May 16, 2024, and portions of that act came into force on Royal Assent. The Law Society acknowledges the legislation has been incorporated into the law of the province of British Columbia, and on receiving Royal Assent, the act is no longer a “bill”. The legislation is termed “Bill 21” in this application to avoid confusion with the similarly named *Legal Profession Act*, S.B.C. 1998, c. 9, also currently in force in British Columbia, and other similarly named legislation from across Canada.

<sup>2</sup> *AG Can v Law Society of BC*, [1982] 2 SCR 307 at 335-336.



independence and self-regulation require. Bill 21 undermines the independence of the bar, and is unconstitutional as a result.

**B. Lawyers are self-governed and self-regulated in Canada**

3. The membership of the Law Society is comprised of approximately 14,265 practicing lawyers, 1,567 non-practicing lawyers, and 1,086 retired lawyers.<sup>3</sup> The Law Society ensures independent, robust, visible and professional regulation of lawyers, in the public interest, under the *Legal Profession Act*, S.B.C. 1998, c. 9 (the *LPA*), the Law Society Rules (the *Rules*), and the *Code of Professional Conduct* (the *Code*). The object and duty of the Law Society is to uphold and protect the public interest in the administration of justice by, among other things, preserving and protecting the rights and freedoms of all persons, and ensuring the independence, integrity, honour and competence of lawyers.<sup>4</sup>
4. Self-regulation of lawyers through a system of licensing is not a right for the benefit of lawyers. It is directed toward the protection of vulnerable interests – those of clients and third parties who rely on independent lawyers to access justice. Self regulation maintains the independence of the bar.<sup>5</sup>

**i. Self-regulation and self-governance predate Confederation**

5. Legal regulation in British Columbia (and across Canada) is an exercise in statecraft that preserves the principles of independence of courts and lawyers, which principles were originally imported from the United Kingdom before Confederation and have continued to evolve in this country since then.
6. The first provision for a court of record, and for the practice of law in the colonies that became British Columbia, was made by order-in-council proclaimed by Queen Victoria at the Court at Buckingham Palace on April 4, 1856.<sup>6</sup> The order-in-council gave the Supreme Court of Civil Justice of Vancouver Island the power to admit as barrister and solicitor, among others, qualified barristers from England and solicitors of any of the courts of record of Westminster.<sup>7</sup>
7. The first justice of the Colony of British Columbia was appointed on September 2, 1858. On December 24, 1858, the Court issued an order that, among other things, 1) adopted certain rules and orders as rules and orders of the Court; 2) established sessions of the Court for the trial of civil and criminal causes; and 3) provided for the recognition of barristers

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<sup>3</sup> Affidavit #3 of Brook Greenberg, K.C., made April 3, 2025 [Greenberg #3], Ex. 46, p. 24.

<sup>4</sup> *Legal Profession Act*, S.B.C. 1998, c. 9 [LPA], s. 3.

<sup>5</sup> *Law Society of British Columbia v Trinity Western University*, 2018 SCC 32, [2018] 2 SCR 293 at paras. 36-37 [Trinity Western].

<sup>6</sup> Greenberg #3, Ex. 1, p. 2, and Ex. 3.

<sup>7</sup> Greenberg #3, Ex. 1, p. 2, and Ex. 3.



and solicitors in the colony of British Columbia.<sup>8</sup> Except self-represented litigants (or certain male relatives of litigants) only the persons enrolled as Attorneys or Solicitors under the order were entitled to appear or address the Court on behalf of a party to a legal proceeding.<sup>9</sup>

8. The association that became the Law Society was first formed in 1869,<sup>10</sup> two years before British Columbia joined Confederation in 1871,<sup>11</sup> and was incorporated as 'The Incorporated Law Society of British Columbia' by the *Legal Professions Act, 1874*. That act provided that the legal profession was self-governing and self-regulating: the members of the Law Society would elect five of their members as Benchers, and the Benchers could make rules "for the necessary government of and for conducting the business of the Society",<sup>12</sup> for admission of students and lawyers to the bar; and provided that no lawyer could be disciplined "until the matter of complaint against him shall have first been submitted to the Benchers of the Society."<sup>13</sup>
9. The legislation governing the legal profession was repealed, re-enacted and amended many times between 1874 and 1987. At each re-enactment and amendment, the legislature ensured the legislation enabled self-governance and self-regulation of the legal profession in the province to maintain the basic statutory protections that ensure an independent bar.<sup>14</sup>
10. In 1987, the *Legal Profession Act* was significantly revised and modernized at the request of the Law Society. The *LPA 1987* was the product of a years-long project to build consensus among the bar about how lawyers should fulfil a statutory mandate to govern the legal profession in the public interest.<sup>15</sup> The *LPA 1987* expressly set out, for the first time in the enabling statute, the Law Society's object and duty to uphold and protect the administration of justice. It was the Law Society – not the legislature – that determined that the primacy of the public interest must be recognized in the enabling statute.<sup>16</sup>
11. The *LPA 1987* was revised again in 1998, in order to confer more rule-making power on the Law Society. The bill that became the *LPA* was originally prepared by the Act and Rules Subcommittee of the Planning Committee at the Law Society in 1993, and was

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<sup>8</sup> Greenberg #3, Ex. 4, paras. I, III, V.

<sup>9</sup> Greenberg #3, Ex. 4, para. IX.

<sup>10</sup> Greenberg #3, paras. 7-8, Ex. 9.

<sup>11</sup> Greenberg #3, para. 9, Ex. 10.

<sup>12</sup> Greenberg #3, paras. 11-12, Ex. 12.

<sup>13</sup> Greenberg #3, para. 14, Ex. 12.

<sup>14</sup> Greenberg #3, paras. 11-18, Exs. 12-17.

<sup>15</sup> Greenberg #3, paras. 20-28, Exs. 18-24.

<sup>16</sup> Greenberg #3, paras. 22-24, Exs. 19-20.

recommended to the legislature after consultation with the membership and a referendum ballot of the members of the Law Society.<sup>17</sup>

12. Like British Columbia, the provincial and territorial bars are all self-governing and self-regulating in the manner that reflects the particular historical development of the province or territory and the choices of the self-regulated bar in those jurisdictions.<sup>18</sup> The particular framework employed by each provincial and territorial law society is summarised in the chart attached as Schedule “A”.

### C. Self-governance and self-regulation under the *LPA*

13. Independence of the bar in British Columbia is maintained by the statutory protections in the *LPA*:
  - (a) s. 3 of the *LPA* confirms the object and duty of the regulator, as determined by the regulator itself.<sup>19</sup> The mandate chosen by lawyers for its regulator connects lawyers and the Law Society to their role as “guardians of our legal system and the rule of law.”<sup>20</sup> Section 3 of the *LPA* implicitly recognizes the Law Society’s (chosen) statutory mandate to support access to justice for all persons in British Columbia.<sup>21</sup>
  - (b) s. 4 of the *LPA* enables the Benchers to self-govern and self-regulate. Pursuant to the rules, lawyers themselves have determined that the Law Society should be governed by 25 Benchers who have been elected by lawyers, distributed across nine geographic regions across the province. The *LPA* provides for the appointment of six Benchers by the LGIC, in order to ensure non-lawyer representation at the Bencher table. Under the *LPA*, the Attorney General is also a Bencher, though the Attorney General does not vote.<sup>22</sup>
  - (c) s. 11 of the *LPA* enables the Benchers to make rules for the governing of the society, lawyers, law firms, articulated students and applicants, and for the carrying out of the *LPA*. In accordance with s. 11, one of the Benchers’ core functions is to make the

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<sup>17</sup> Greenberg #3, paras. 31-36, Exs. 27-33.

<sup>18</sup> Affidavit #1 of Alan McLeod, K.C., made April 1, 2025 (Alberta); Affidavit #1 of Dr. Dwight Newman, made March 28, 2025 (Saskatchewan); Affidavit #2 of Leah Kosokowsky, made March 31, 2025, and Affidavit #3 of Leah Kosokowsky, made April 2, 2025 (Manitoba); Affidavit #1 of Peter W. Kryworuk, made April 2, 2025 (Ontario); Affidavit #1 of Michel Jolin, AD. E., made April 4, 2025 (Quebec); Affidavit #1 of Marc Richard, K.C., made March 27, 2025 (New Brunswick); Affidavit #1 of Cheryl Hodder, K.C., made March 25, 2025 (Nova Scotia); Affidavit #1 of James Travers, K.C., made April 3, 2025 (Prince Edward Island); Affidavit #1 of Joe Thorne, made April 4, 2025 (Newfoundland and Labrador); Affidavit #1 of Grant McDonald, made April 2, 2025 (Yukon); Affidavit #1 of Jessica Copple, made March 24, 2025 (Northwest Territories); Affidavit #1 of Nalini Vaddapalli, made March 31, 2025 (Nunavut).

<sup>19</sup> *LPA*, s. 3.

<sup>20</sup> Greenberg #3, Ex. 71, p. 5.

<sup>21</sup> The Honourable Justice Thomas A. Cromwell & Siena Antsis, *The Legal Services Gap: Access to Justice as a Regulatory Issue*, (2016) 42:1 Queen’s LJ 1 at 10.

<sup>22</sup> Affidavit #1 of Brook Greenberg, K.C., made May 24, 2024 [Greenberg #1], para. 19; Greenberg #3, para. 45.



Rules that govern all aspects of the day-to-day practice of law.<sup>23</sup> The Benchers are not required to obtain approval of Rules from the government or any other body.<sup>24</sup>

- (d) Pursuant to the authority in s. 11 of the *LPA* and the Rules, the Benchers also maintain the *Code*. The *Code* is an expression of the Benchers' views on the special ethical responsibility that comes with the lawyer's role, and forms an integral part of independent self-regulation of lawyers in the public interest. The *Code* is significantly related to the Federation of Law Societies' *Model Code of Professional Conduct*, which ensures pan-Canadian standards for the practice of law.<sup>25</sup>
  - (e) Pursuant to the authority in s. 11 of the *LPA* and the Rules, the Benchers also oversee the implementation and administration of the Law Society's many programs to promote and protect the public interest in the administration of justice, including those programs described in the Law Society's Strategic Plan<sup>26</sup> and in the Affidavits #1 and #3 of Brook Greenberg, K.C.
14. Through the enabling mechanisms of the *LPA*, the public is assured of access to a trustworthy and competent bar, whose admission, competence and discipline is regulated by lawyers who are accountable only to the public interest, and not to government policy or political influence.
  15. The risk to the public and the administration of justice in the absence of protections like the ones found in the *LPA* is urgent and real, as demonstrated by the recent unprecedented attacks on lawyers and the judiciary by the executive in the United States.<sup>27</sup> These attacks are designed to punish and silence those who access the legal system to challenge government action and exercise their legal rights. The attacks are designed to and do subvert the rule of law in the US, and around the world. The Canadian legal system is not immune to the effects of these and other attacks.
- D. Bill 21 dismantles the architecture that protects the independence bar in British Columbia**
16. The statutory architecture that preserves self-governance and self-regulation is dismantled by Bill 21. This grave interference with independence of the bar manifests in two ways.
  17. First, for well over a century, in British Columbia and throughout Canada, governments have and continue to recognize the unique role that the bar plays in our constitutional democracy and how that unique role limits a provincial legislature's authority under section 92 of the Constitution. Governments recognize that the independence of the bar means

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<sup>23</sup> Greenberg #1, para. 22.

<sup>24</sup> Greenberg #1, para. 24.

<sup>25</sup> Greenberg #1, para. 25; Greenberg #3, Ex. 44.

<sup>26</sup> Greenberg #1, para. 26, Ex. 4.

<sup>27</sup> Greenberg #3, paras. 79-81, Exs. 81-89.



that the legislature is constrained from exercising its jurisdiction unless alterations to the governance and regulatory structures for lawyers are generated or consented to by the bar. Here, with respect to Bill 21, British Columbia imposed concepts of independence and self-regulation that do not accord with lawyers' duties to the public, the courts, and the administration of justice. In developing Bill 21, the government chose its own definitions of "independence" and "self-regulation," and then imposed legislation that gives those fundamental concepts limited meaning.

18. These radical changes were imposed without ever making a draft of Bill 21 public, and then by closing public debate in the Legislature, even in the face of clear concern from the bar that the government's vague proposal (as it was generally described in the Intentions Paper) undermined independence of the bar. The act of imposing fundamental changes in self-governance and self-regulation in service of government policy over the objection<sup>28</sup> of the body charged with upholding and protecting the public interest in the administration of justice is antithetical to lawyer independence, undermines public confidence in the administration of justice and is ultimately unconstitutional.<sup>29</sup>
19. Second, Bill 21 prescribes structures and processes for governance and regulation of lawyers that reflect the government's own policy and are inconsistent with independence of the bar, as described below.
  - i. **Bill 21 circumscribes the regulator's duties to act in the public interest and directs what the regulator must consider**
20. Bill 21 strips the new regulator of the broad access to justice mandate that has been carefully developed, implemented through s. 3 of the *LPA*, and maintained by the independent bar for 156 years. Under Bill 21, the regulator no longer has as its object the broad mandate to "uphold and protect the public interest in the administration of justice" including by "preserving and protecting the rights and freedoms of all persons."<sup>30</sup> The considerably denuded s. 6 of Bill 21 requires the regulator to "regulate the practice of law in British Columbia"; establish standards and programs for the education, training, competence, practice and conduct of applicants, trainees, licensees, and law firms; and "ensure the independence of licensees."
21. The duty to "ensure the independence of licensees" in s. 6 of Bill 21 is of no comfort to the public. Lawyer independence is maintained by self-regulation and self-governance free from interference by any source; s. 6(c) of Bill 21 has no meaning in the context of a

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<sup>28</sup> Greenberg #1, para. 91, Ex. 38.

<sup>29</sup> Greenberg #1, Ex. 31, pp. 9-10.

<sup>30</sup> *LPA*, s. 3.

governance structure that does not also preserve self-governance and self-regulation of lawyers (as Bill 21 does not do).

22. In s. 7 of Bill 21, the government directs what principles the regulator must consider in exercising its powers and performing its duties under the act.<sup>31</sup> The principles reflect government policy and objectives,<sup>32</sup> not the independent regulator's own view of the public interest in the administration of justice.

**ii. Bill 21 imposes a co-governance model of regulation on lawyers**

23. Under Bill 21, on the amalgamation date, all Benchers elected by lawyers to regulate the profession in the public interest will cease to hold office.<sup>33</sup> The mandate to protect the public interest given to the Benchers will have been terminated unilaterally by the government of British Columbia.
24. Under Bill 21, lawyers called in British Columbia will no longer be majority governed by elected lawyers. Once the transition is complete,<sup>34</sup> only 5 of the directors of the new board of LPBC will be elected by lawyers – 29% of the board, compared with 80% under the Rules.<sup>35</sup> These 5 elected lawyers do not form a majority of the first 12 directors elected or appointed under s. 8(1)(a)-(d),<sup>36</sup> which group selects the remaining 5 directors under s. 8(1)(e) (only 4 of which must be lawyers) by majority vote. So while LPBC's board will include 9 out of 17 lawyers, a slim and tenuous majority, there is no certainty that 4 of these 9 will be chosen by lawyers. The clear intention of Bill 21 is to ensure lawyers do not control the composition of the board of LPBC.
25. Further, s. 28(2)(b) of Bill 21 empowers the board (which is not comprised of a majority of elected lawyers) – including the transitional board - to establish “a process for the screening of candidates in the election of directors.” Given the government's interference with independent rule-making by the legal regulator, described below, this is further interference with self-governance by elected lawyers, whose candidacy is subject to a screening process determined by a non-independent board.
26. The board will co-govern with an Indigenous council.<sup>37</sup> The Indigenous council will include 4-7 members (in addition to two members who are unspecified directors) who are Indigenous persons, and who are intended to be appointed from among persons nominated by the BC First Nations Justice Council and Métis peoples or entities representing Métis

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<sup>31</sup> Affidavit #1 of Thomas Spraggs, made April 3, 2025 [Spraggs #1], para. 19.

<sup>32</sup> Spraggs #1, Exs. F-G.

<sup>33</sup> *Legal Professions Act*, S.B.C. 2024, c. 26 [Bill 21], s. 230(1).

<sup>34</sup> Bill 21, s. 230(4)-(6).

<sup>35</sup> Examination for discovery of Katharine Armitage by Craig Ferris, K.C., March 14, 2025 [Armitage XFD], q. 348.

<sup>36</sup> Section 8 of Bill 21 must be read together with s. 230 of Bill 21.

<sup>37</sup> Bill 21, s. 29.



peoples to collectively reflect the diversity of the Indigenous population of British Columbia.<sup>38</sup> There is no statutory requirement that any member of the Indigenous council be a lawyer, which creates the risk that the slim majority of lawyers prescribed by s. 8 of Bill 21 will completely disappear for any form of joint decision making.<sup>39</sup>

27. The addition of the Indigenous council and the transitional Indigenous council (described below) as co-governors and co-regulators of LPBC furthers a partnership between the provincial government and the BC First Nations Justice Council (BCFNJ)<sup>40</sup> set out in the BC First Nations Justice Strategy.<sup>41</sup> The Strategy documents a provincial government policy, the terms of which are agreed between the government and the BCFNJ,<sup>42</sup> which addresses all forms of interaction between First Nations and the justice system.<sup>43</sup> The Indigenous council has unprecedented statutory power to participate in the strategic planning process of the regulator and approve rules of the board, among other things.<sup>44</sup>
28. The Law Society clearly does not object to policies and laws that further reconciliation – it has adopted and endorsed its own policies that are designed to advance reconciliation, including within the Law Society’s own policies and procedures.<sup>45</sup> The Law Society objects to the unilateral imposition of government policy into the governance and regulatory structures of the legal regulator. Doing so is direct government interference that is inconsistent with maintaining independence of the bar.

### **iii. Bill 21 imposes a co-regulation model of regulation on lawyers**

29. The first rules of LPBC require the approval of the transitional Indigenous Council,<sup>46</sup> 4 of the 6 or 7 members of which must be appointed by BCFNJ and Métis Nation British Columbia.<sup>47</sup> Like the Indigenous council that will be appointed under s. 29, the creation of the transitional Indigenous council under s. 224 reflects the implementation of government policy set out in the Strategy.
30. In practice, the transitional board (comprised of appointees of the Law Society, SNPBC, regulated paralegals, and the LGIC)<sup>48</sup> does not meet without the transitional Indigenous

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<sup>38</sup> Bill 21, s. 29(1), (2).

<sup>39</sup> Spraggs #1, paras. 17-23, Exs. O-S.

<sup>40</sup> Spraggs #1, para. 11, Ex. E.

<sup>41</sup> Spraggs #1, Exs. F, G.

<sup>42</sup> Outstanding requests for information from the examination for discovery of Katharine Armitage, dated April 1, 2025, #14.

<sup>43</sup> Spraggs #1, Ex. F; Armitage XFD, qq. 141-202.

<sup>44</sup> Bill 21, s. 30.

<sup>45</sup> Greenberg #1, paras. 50, 146-150, Exs. 61-62.

<sup>46</sup> Bill 21, s. 226.

<sup>47</sup> Spraggs #1, paras. 15.

<sup>48</sup> Bill 21, s. 223.



council.<sup>49</sup> Development of the policy underlying the first rules of LPBC is carried out through a “joint board” of the transitional board and the transitional Indigenous council. Only 4 of 11 members of the joint board are appointed by Benchers under the transition provisions.<sup>50</sup> Although it is not specifically contemplated in Bill 21, the transitional Indigenous council will also approve the replacement code of conduct that will be applicable to lawyers.<sup>51</sup>

**iv. Bill 21 permits the government to regulate lawyers directly**

31. Bill 21 gives Cabinet (through the LGIC) the explicit authority to make regulations designating new legal professions and their scope(s) of practice (ss. 3-4) and regulate exceptions from the prohibition against the unauthorized practice of law (s. 212). Bill 21 also gives Cabinet the general authority to make regulations “respecting any matter for which regulations are contemplated by” the act (s. 211(1)). This general authority is expressly not limited by, and therefore must be additional to, the specific regulation-making set out in Bill 21.<sup>52</sup>
32. Bill 21 provides that Cabinet regulations prevail over rules made by the new governing body in all cases of conflict or inconsistency (s. 214), not just those cases that are explicitly contemplated by Bill 21’s grant of overlapping regulation and rule-making power. This means that Bill 21 both contemplates other areas of conflict between Cabinet regulations and the rules, and gives Cabinet paramouncy.
33. The policy rationale for conferring on the LGIC the power to create new classes of legal professions by regulation is to “build in some flexibility in case changes in the legal marketplace required that.”<sup>53</sup> The preservation of unspecified “flexibility” to create new legal professions and directly regulate them is a sword of Damocles above the head of the legal regulator that clearly preserves to the executive unlimited power to directly regulate the practice of law in the province.

**v. Bill 21 creates a prescriptive regulatory regime**

34. Bill 21 further undermines self-governance and self-regulation by codifying key aspects of legal regulation, taking them out of the hands of the regulator. For example, Bill 21:

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<sup>49</sup> Spraggs #1, paras. 18, 23, Exs. P, R, T.

<sup>50</sup> Although Christina Cook, appointed to the transitional Indigenous council, is also presently a Law Society Bencher.

<sup>51</sup> Spraggs #1, Ex. U, p. 39.

<sup>52</sup> *Interpretation Act*, R.S.B.C. 1996, c. 238, s. 41; Bill 21, ss. 4, 211, 212, 213.

<sup>53</sup> Armitage XFD, qq. 364. See also qq. 362-367.

- (a) Defines “professional misconduct” and “incompeten[ce]” where the *LPA* did not.<sup>54</sup> It also defines “conduct unbecoming” directly where under the *LPA* it was defined as being within the “judgment of the benchers”.<sup>55</sup>
  - (b) Mandates that the new governing body establish a *binding* code of professional conduct (to be approved by the transitional Indigenous council),<sup>56</sup> whereas the present code is an instructive guide.
  - (c) Codifies many of the present rules concerning complaints and discipline (ss. 73-92).
35. These provisions of Bill 21 attack both the theory and the practice of self-regulation and self-governance of lawyers. These provisions (and the balance of Bill 21 that is based on these provisions) are unconstitutional because they are inconsistent with the public’s access to the courts through an independent bar.

### Part 3: LEGAL BASIS

36. The Law Society brings this application pursuant to Rule 9-7 of the *Supreme Court Civil Rules* and the Judicial Case Management Orders made in this proceeding.

#### E. Canada’s constitutional structure includes written and unwritten principles

37. Canada’s constitution is partly written and partly unwritten.<sup>57</sup> The written Constitution includes the *Constitution Acts 1867-1982*, and the instruments listed in the Schedule to the *Constitution Act, 1982*.<sup>58</sup> The unwritten constitution, which includes underlying constitutional principles (such as federalism, democracy, the rule of law,<sup>59</sup> and judicial independence<sup>60</sup>), encompass the norms necessary for Canada’s system of governance to function.<sup>61</sup> The unwritten constitution predates Confederation, continues to operate after Confederation, and forms an essential part of our constitutional structure.<sup>62</sup>
38. The underlying principles that form part of the unwritten constitution are the “‘basic principles inherent in a given form of governance’ from which concrete rules can be

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<sup>54</sup> Bill 21, s. 68.

<sup>55</sup> *LPA*, s. 1.

<sup>56</sup> Bill 21, s. 68, ss. 70-71.

<sup>57</sup> The Hon. Justice Rowe and Manish Oza, *Structural Analysis and the Canadian Constitution*, (2023) 101 Can. Bar. Rev. 205 [Rowe and Oza, *Structural Analysis*] at 206; *Reference re Secession of Quebec*, [1998] 2 S.C.R. 217 at para. 32 [*Quebec Reference*].

<sup>58</sup> The Constitution Acts, 1867-1982.

<sup>59</sup> *Quebec Reference*.

<sup>60</sup> *Ref re Remuneration of Judges of the Prov Court of PEI; Ref re Independence and Impartiality of Judges of the Prov Court of PEI*, [1997] 3 S.C.R. 3 at para. 105 [*PEI Reference*].

<sup>61</sup> Rowe and Oza, *Structural Analysis* at 207.

<sup>62</sup> Rowe and Oza, *Structural Analysis* at 211.

derived ‘to make the system work in a coherent fashion.’”<sup>63</sup> They arise from Canada’s constitutional history and the text of the Constitution. Underlying principles “inform and sustain the constitutional text: they are the vital unstated assumptions upon which the text is based.”<sup>64</sup>

39. Together with the written constitution, the unwritten constitution informs the interpretation of the exercise of legislative power under s. 92.<sup>65</sup>

**A. Independence of the bar is an underlying constitutional principle**

40. Independence of the bar is part of our constitutional structure and history.
41. The purpose for which the *Charter* is entrenched as a part of the written Constitution of Canada is to ensure that Canadian society is “free and democratic.”<sup>66</sup> The values and principles that are essential to a free and democratic society include respect for the inherent dignity of the human person, commitment to social justice and equality, accommodation of a wide variety of beliefs, respect for cultural and group identity, and faith in social and political institutions which enhance the participation of individuals and groups in society.<sup>67</sup>
42. The values and principles of a free and democratic society are both the genesis of the fundamental rights and freedoms guaranteed by the *Charter*, and the standard against which a limit on a right or freedom must be justified, in s. 1 of the *Charter*.<sup>68</sup>
43. An independent bar composed of lawyers who are free of influence by public authorities (or any other source) is a fundamental component of our free society.<sup>69</sup> Lawyer independence is the fundamental public right that lawyers may provide legal assistance for or on behalf of a client without fear of interference or sanction by the government, subject only to the lawyer’s professional responsibilities as prescribed by an independent regulator, and the lawyer’s general duty as a citizen to obey the law.<sup>70</sup>

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<sup>63</sup> Rowe and Oza, Structural Analysis.

<sup>64</sup> *Quebec Reference* at para. 49.

<sup>65</sup> *Toronto (City) v. Ontario (Attorney General)*, 2021 SCC 34 at para. 55 [*Toronto (City of)*].

<sup>66</sup> *R. v. Oakes*, [1986] 1 S.C.R. 103 at para. 64 [*Oakes*].

<sup>67</sup> *Oakes* at para. 64.

<sup>68</sup> *Oakes* at para. 64.

<sup>69</sup> *Finney v Barreau du Québec*, 2004 SCC 36, [2004] 2 SCR 17 at para. 1. See also *AG Can v Law Society of BC* at 336; *Law Society of New Brunswick v Ryan*, 2003 SCC 20, [2003] 1 SCR 247 at para. 36; *Trinity Western* at para. 32.

<sup>70</sup> Greenberg #3, Ex. 56, p. 898.



**ii. The relationship of independence of the bar to rule of law and judicial independence**

44. The rule of law expresses society's collective agreement that all persons are bound by and subject to the law. The principle ensures the law will be applied "fairly and evenly to all persons, taking no account of hierarchies, privilege, power or wealth."<sup>71</sup> The rule of law is the tool by which an independent judiciary carries out its work, and is the fundamental idea that each judge and lawyer in Canada has sworn an oath to uphold.<sup>72</sup>
45. Judicial independence is the shield that secures and protects the public's constitutionally enshrined rights and values.<sup>73</sup> It is a fundamental principle of Canadian constitutional law that applies to all judges, not only to superior court judges under s. 99 of the *Constitution Act, 1867*.<sup>74</sup> The principle of judicial independence is the freedom of judges to hear and decide cases without external influence or interference, whatever the source.<sup>75</sup>
46. The principle of judicial independence has two main dimensions: adjudicative independence of individual judges, and institutional independence through the administration of justice that is separate from the executive and legislative branches.<sup>76</sup> Each dimension is a necessary element that exists to uphold the overall objective of judicial independence.<sup>77</sup> The Canadian Judicial Council identifies that unilateral reforms to the judicial system attempted by governments directly interferes with the principle of institutional independence: "[t]he necessary improvements to the administration of justice must be initiated, planned, determined and implemented in close collaboration with the chief justices, who are responsible for the administration of Canadian courts."<sup>78</sup>
47. Lawyer independence ensures the public's access to independent courts. An independent bar is essential to maintaining the rule of law and judicial independence: "[w]ithout the dignity, independence and integrity of the Bar, impartial justice and the maintenance of the rule of law are impossible."<sup>79</sup> Together with the rule of law and judicial independence, an independent bar gives meaning to the rights and freedoms the Constitution protects, and to the values and principles from which the rights and freedoms entrenched in the *Charter* arise.<sup>80</sup>

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<sup>71</sup> Greenberg #3, Ex. 59, p. 8.

<sup>72</sup> Greenberg #3, Ex. 59, P. 8.

<sup>73</sup> Greenberg #3, Ex. 59, p. 2.

<sup>74</sup> Greenberg #3, Ex. 60, p. 8.

<sup>75</sup> Greenberg #3, Ex. 60, p. 8.

<sup>76</sup> Greenberg #3, Ex. 59, p. 10, Ex. 60, p. 9.

<sup>77</sup> Greenberg #3, Ex. 59, p. 10.

<sup>78</sup> Greenberg #3, Ex. 59, p. 10.

<sup>79</sup> Roy Millen, *The Independence of the Bar: An Unwritten Constitutional Principle*, (2005) 84 Can. Bar Rev. 107 [Millen] at 113.

<sup>80</sup> Millen at 107.

### iii. The relationship of independence of the bar to the written constitution

48. The preamble to the Constitution confirms that the legal and institutional structure of constitutional democracy in Canada should be similar to the legal and institutional structure of the regime out of which the Canadian Constitution emerged.<sup>81</sup> The courts of the United Kingdom recognize the “principle of the independence of advocates” as a “long-established common law principle and one of the cornerstones of a fair and effective system of justice and the rule of law.”<sup>82</sup>
49. The judicature provisions (ss. 96-101) of the *Constitution Act, 1867* expressly provide for the appointment of the judiciary to our superior courts, and necessarily imply the attendant judicial independence<sup>83</sup> and the independence of the bar that facilitates the public’s access to the court, and from which the judges of the court are selected.<sup>84</sup>
50. The rights and freedoms from state action guaranteed in the *Charter* are based on the “vital unstated assumption” of an independent bar. These include:
- (a) s. 7, which guarantees the right not to be denied life, liberty or security of the person except in accordance with the principles of fundamental justice.<sup>85</sup> The SCC in *Canada (Attorney General) v. Federation of Law Societies of Canada* recognized the lawyer’s duty of commitment to the client’s cause as a principle of fundamental justice.<sup>86</sup>
  - (b) s. 10(b), which guarantees a detainee the right to an opportunity to obtain legal advice (and the right to be advised of that right), including in support of the right under s. 7 to remain silent in the face of interrogation, or to choose whether to cooperate with a police investigation.<sup>87</sup>
  - (c) s. 11(d), which guarantees the right to a fair and public hearing by an independent and impartial tribunal when charged with an offence.<sup>88</sup> Both aspects of the s. 11(d) right, (1) a fair and public hearing; and (2) an independent and impartial tribunal, assume an independent judiciary and an independent bar.
51. Further, s. 32 of the *Charter* applies to the provincial legislature and government in the exercise of law-making powers under s. 92 of the *Constitution Act, 1867*. The structure of

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<sup>81</sup> *PEI Reference*, para. 96.

<sup>82</sup> *Lumsdon & Ors v General Council of the Bar & Ors*, [2014] EWCA Civ 1276 at para. 14.

<sup>83</sup> See, for example, *PEI Reference* at paras. 83-84.

<sup>84</sup> *LaBelle v Law Society of Upper Canada* (2001), 52 OR (3d) 398 (Sup Ct J), para. 38.

<sup>85</sup> Peter W. Hogg & Wade K. Wright, *Constitutional Law of Canada*, Vol. 2 (Toronto, Thomson Reuters Canada Limited, 2023) (looseleaf rev. Rel 1, 7/2023) [Hogg], § 47:2.

<sup>86</sup> *Canada (Attorney General) v Federation of Law Societies of Canada*, 2015 SCC 7, [FLSC].

<sup>87</sup> *R. v. Sinclair*, 2010 SCC 35, [2010] 2 S.C.R. 310 at paras. 24, 32; *R v Manninen*, [1987] 1 SCR 1233 at para. 23.

<sup>88</sup> *Valente v. The Queen*, [1985] 2 S.C.R. 673.



the constitution, expressed through s. 32 of the *Charter*, imposes a “double threshold” on provincial law-making power to ensure that Parliament or a provincial legislature cannot enact laws that are inconsistent with the *Charter*, properly structurally interpreted.<sup>89</sup>

**B. Independence of the bar is maintained by self-governance and self-regulation**

52. The Constitution of Canada provides that courts protect constitutionally guaranteed civil liberties from the actions of Parliament, the legislature, government agencies and officials.<sup>90</sup> Meaningful access by the public to independent and impartial courts depends on the existence of an independent bar.<sup>91</sup>
53. The delegation of authority to the Law Society to self-govern and self regulate “maintains the independence of the bar.”<sup>92</sup>

**i. Institutional and individual dimensions of independence of the bar**

54. Lawyers and judges are the “guardians of our legal system and the rule of law.”<sup>93</sup> A lawyer is a “minister of justice, an officer of the courts, a client’s advocate and a member of an ancient, honourable and learned profession.”<sup>94</sup> These often competing duties have both a private or individual quality in the provision of legal advice and services within a particular client mandate, and a public or institutional quality in support of public confidence in the administration of justice:
- (a) A lawyer owes a fiduciary duty to a client, from which springs the duty of loyalty and its subduties of commitment to the client’s cause (which includes the duty of resolute advocacy<sup>95</sup>) and the duty to avoid conflicting interests.<sup>96</sup> That fiduciary relationship that grounds all of these specific duties serves the private purpose of ensuring a lawyer acts only in the best interests of their client; it serves the public purpose of ensuring public confidence (both in fact and in perception<sup>97</sup>) in the administration of justice through a body of professionals who are bound only to act in their interests.<sup>98</sup>

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<sup>89</sup> *R. v. Malmo-Levine; R v Caine*, 2003 SCC 74, [2003] 3 S.C.R. 571 at para. 111.

<sup>90</sup> Hogg at § 34:1.

<sup>91</sup> Millen at 115; Greenberg #3, Ex. 69.

<sup>92</sup> *Trinity Western* at para. 37.

<sup>93</sup> Greenberg #3, Ex. 71.

<sup>94</sup> Greenberg #3, Ex. 44, c. 2.1.

<sup>95</sup> *Groia v. Law Society of Upper Canada*, 2018 SCC 27, [2018] 1 S.C.R. 772, para. 72. See also Greenberg #3, Ex. 44 at c. 5.1.

<sup>96</sup> See, for example, *R. v. Neil*, 2002 SCC 70, [2002] 3 S.C.R. 631, para. 19; *Canadian National Railway Co v McKercher LLP*, 2013 SCC 39, [2013] 2 SCR 649, paras. 19-47; *FLSC* at para. 99.

<sup>97</sup> *FLSC* at para. 97.

<sup>98</sup> Alice Woolley, Richard Devlin, Brent Cotter, & John M. Law, *Lawyers’ Ethics and Professional Regulation*, 4th ed. (Markham: LexisNexis Canada Inc., 2021), at p. 303, citing Federation of Law Societies of Canada, Standing



- (b) Lawyers also owe duties of candour, fairness, integrity, and respect to the court, as officers of the court and ministers of justice.<sup>99</sup> The lawyer's duty to the court is "time-tested and vital to the legal profession's role in the administration of justice."<sup>100</sup> To comply with this duty, lawyers must not mislead the court, and cannot permit a client to present evidence that the lawyer knows to be false.<sup>101</sup>
- (c) Lawyers have a duty to encourage public respect for and try to improve the administration of justice.<sup>102</sup> This obligation is "not restricted to the lawyer's professional activities but is a general responsibility resulting from the lawyer's position in the community."<sup>103</sup> By training, opportunity, and experience, lawyers are in a position to observe the workings and discover the strengths and weaknesses of laws, legal institutions and public authorities, and must act accordingly,<sup>104</sup> including by defending the judiciary against unjust criticism and complaint.<sup>105</sup>

## ii. Self-governance and self-regulation ensure the independence of the bar

- 55. Provincial legislatures exercising authority under ss. 92(13) (in relation to private law civil rights<sup>106</sup>) and (14) (in relation to the administration of justice<sup>107</sup>) must preserve the essential conditions that maintain the independence of the bar.
- 56. An individual lawyer cannot properly perform the duties described above if their regulator is not independent and impartial. Not only would such an arrangement create the continuous risk of the regulator imposing rules that interfere, as a matter of fact, with lawyers' performance of their duties, but it would also create the reasonable perception that lawyers as a collective are not independent and impartial. This perception is poisonous to the trust and confidence required of the fiduciary relationship between lawyer and client.
- 57. Independence requires that lawyers be governed by a body that is, and is perceived by the public to be:
  - (a) Independent, in the sense that it has immediate and functional control over the administrative decisions that bear directly on the exercise of the lawyer's role (such

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Committee on the Model Code of Professional Conduct, *Report on Conflicts of Interest* (November 21, 2011), online: [http://www.flsc.ca/\\_documents/Conflicts-of-Interest-Report-Nov\\_2011.pdf](http://www.flsc.ca/_documents/Conflicts-of-Interest-Report-Nov_2011.pdf).

<sup>99</sup> Greenberg #3, Ex. 44.

<sup>100</sup> *May v. Law Society of British Columbia*, 2023 BCCA 218 [May], paras. 4-10.

<sup>101</sup> *May*, paras. 5-7. See also Greenberg #3, Ex. 41, c. 5.1-1.

<sup>102</sup> See Greenberg #3, Ex. 41, c. 5.6; Andrew Flavelle Martin, "The Lawyer's Professional Duty to Encourage Respect for - and to Improve - the Administration of Justice: Lessons from Failures by Attorneys General" (2023) 54:2 Ottawa Law Review.

<sup>103</sup> Greenberg #3, Ex. 41, c. 5.6-1.

<sup>104</sup> Greenberg #3, Ex. 41, c. 5.6-1.

<sup>105</sup> See Greenberg #3, Ex. 41, c. 2.1-2, 5.6-1; Greenberg #1, para. 124, Exs. 55-57.

<sup>106</sup> *Ontario (Attorney General) v OPSEU*, [1987] 2 SCR 2.

<sup>107</sup> *Law Society of British Columbia v. Mangat*, 2001 SCC 67, [2001] 3 S.C.R. 113.

as the Rules and *Code*), and is capable of taking any action it considers necessary to ensure public access to a body of trustworthy and competent lawyers; and

- (b) Impartial, in the sense that when making decisions about the regulation of the profession, the governing body must have regard only to its obligation to act in the public interest in the administration of justice, free from government influence and control.

**C. Bill 21 is inconsistent with the Constitution of Canada, and is of no force and effect**

- 58. The scope of the Province's authority to legislate under ss. 92(13) and (14) of the *Constitution Act, 1867* must be interpreted in light of the entirety of the Constitution, written and unwritten.<sup>108</sup> Independence of the bar is an underlying constitutional principle that upholds the rule of law, the independence of the judiciary, the functioning of Canadian courts, and the public's access to constitutionally guaranteed rights. Unilateral enactment of legislative changes that impair the courts by undermining the independent bar is inconsistent with the structure of the constitution, and, pursuant to s. 52 (1) of the *Constitution Act, 1982*, is of no force or effect.<sup>109</sup>

**D. Interim injunction**

- 59. The defendants have assured this Court that the LGIC will not bring the remainder of Bill 21 into force, and therefore trigger the formation of LPBC, until the transitional planning process is complete.<sup>110</sup> The workplan published by the transitional board and transitional Indigenous council contemplates that transitional planning will be complete by April 2026.<sup>111</sup> If necessary, the Law Society intends to seek an order at the hearing of this application that the LGIC is enjoined from bringing the balance of Bill 21 into force until 30 days after the determination of this application.

**Part 4: MATERIAL TO BE RELIED ON**

- 1. Notice of Civil Claim of the Law Society of British Columbia, filed May 17, 2024;
- 2. Affidavit #1 of Brook Greenberg, K.C., made May 24, 2024;
- 3. Affidavit #1 of Patti Lewis, made May 24, 2024;
- 4. Affidavit #2 of Patti Lewis, made June 4, 2024;

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<sup>108</sup> *Toronto (City of)* at para. 55.

<sup>109</sup> *Canada (Attorney General) v. Power*, 2024 SCC 26, at paras. 50-57.

<sup>110</sup> *Law Society of British Columbia v British Columbia*, 2024 BCSC 1292 at para. 111.

<sup>111</sup> Spraggs #1, Ex. U, pp. 37-42.

5. Response to Civil Claim of the Attorney General of British Columbia, His Majesty the King in right of the Province of British Columbia, and Lieutenant Governor in Council of British Columbia, filed June 7, 2024;
6. Affidavit #3 of Patti Lewis, made June 12, 2024;
7. Affidavit #2 of Brook Greenberg, K.C., made June 13, 2024;
8. Affidavit #1 of Leah Kosokowsky, made November 22, 2024;
9. Affidavit #1 of Jessica Copple, made March 24, 2025;
10. Affidavit #1 of Cheryl Hodder, K.C., made March 25, 2025;
11. Affidavit #1 of Marc Richard, K.C., made March 27, 2025;
12. Affidavit #1 of Dr. Dwight Newman, made March 28, 2025;
13. Affidavit #1 of Nalini Vaddapalli, made March 31, 2025;
14. Affidavit #1 of Alan Macleod, K.C., made April 1, 2025;
15. Affidavit #1 of Peter W. Kryworuk, made April 2, 2025;
16. Affidavit #2 of Leah Kosokowsky, made March 31, 2025;
17. Affidavit #3 of Leah Kosokowsky, made April 2, 2025;
18. Affidavit #1 of Grant McDonald, made April 2, 2025;
19. Affidavit #1 of James Travers, K.C., made April 3, 2025;
20. Affidavit #3 of Brook Greenberg, K.C., made April 3, 2025;
21. Affidavit #1 of Thomas Spraggs, made April 3, 2025;
22. Affidavit #4 of Patti Lewis, made April 4, 2025;
23. Affidavit #1 of Joe Thorne, made April 4, 2025;
24. Affidavit #1 of Michel Jolin, AD. E., made April 4, 2025;
25. Questions and answers 31-32, 34, 43-45, 49-50, 52-54, 58-63, 66-69, 75-77, 79-80, 83, 85-91, 97-98, 101-106, 109-111, 113-144, 146-158, 161-164, 166-169, 171-173, 175-177, 179, 182-184, 189-202, 205-209, 211, 213-230, 232-236, 241, 245-251, 254, 256-265, 271-273, 275-285, 287-290, 293-306, 310-359, 361-367 at the examination for discovery of



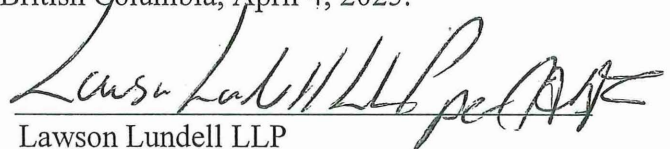
Katharine Armitage by Craig A.B. Ferris, K.C., dated March 14, 2025, and the responses to outstanding requests from the examination for discovery of Ms. Armitage, dated April 1, 2025.

26. Questions and answers 6-9; 27-30, 43-64, 70, 89-94, 97-104, 115-116, 118-122, 147-153, 172, 198, 208-209 at the examination for discovery of Katharine Armitage by Gavin Cameron, dated March 17, 2025;
27. Such further and other material as counsel shall advise and the court may allow.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this Notice of Application, you must, within 5 business days after service of this Notice of Application or, if this application is brought under Rule 9-7, within 8 business days after service of this Notice of Application.

- (a) file an Application Response in Form 33,
- (b) file the original of every affidavit, and every other document, that
  - (i) you intend to refer to at the hearing of this application, and
  - (ii) has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
  - (i) a copy of the filed Application Response;
  - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
  - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Dated at the City of Vancouver, in the Province of British Columbia, April 4, 2025.



Lawson Lundell LLP  
Solicitors for the Applicant  
Law Society of British Columbia

This Notice of Application is filed by Craig A.B. Ferris, K.C., Laura Bevan, Jonathan Andrews, and Nicole Welsh, of the law firm of Lawson Lundell LLP, whose place of business and address for delivery is 1600 – 925 West Georgia Street, Vancouver, British Columbia, V6C 3L2, e-mail address: [cferris@lawsonlundell.com](mailto:cferris@lawsonlundell.com) (cc to [lbevan@lawsonlundell.com](mailto:lbevan@lawsonlundell.com) and [jandrews@lawsonlundell.com](mailto:jandrews@lawsonlundell.com)); telephone number: 604-685-3456.

*To be completed by the court only:*

Order made

☐ in the terms requested in paragraphs \_\_\_\_\_ of  
Part 1 of this Notice of Application

☐ with the following variations and additional terms:

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Date:

\_\_\_\_\_  
Signature of ☐ Judge ☐ Associate Judge



**APPENDIX**

The following information is provided for data collection purposes only and is of no legal effect.

**THIS APPLICATION INVOLVES THE FOLLOWING:**

- ☐ discovery: comply with demand for documents
- ☐ discovery: production of additional documents
- ☐ other matters concerning document discovery
- ☐ extend oral discovery
- ☐ other matter concerning oral discovery
- ☐ amend pleadings
- ☐ add/change parties
- ☐ summary judgment
- ☒ summary trial
- ☐ service
- ☐ mediation
- ☐ adjournments
- ☐ proceedings at trial
- ☐ case plan orders: amend
- ☐ case plan orders: other
- ☐ experts
- ☐ none of the above

# SCHEDULE "A"

Governing Body	Board Size – Voting Members	# of Elected Lawyers	# Appointed	# <i>Ex Officio</i> or other	Statute
Law Society of British Columbia	32	25	6 (gov. appointed)	1 (Attorney General)	<i>Legal Profession Act</i> , S.B.C. 1998, c. 9
Law Society of Alberta	24	20	4 (gov. appointed)	0	<i>Legal Profession Act</i> , R.S.A. 2000, c. L-8
Law Society of Saskatchewan	23	18	4 (gov. appointed)	1 (Law Dean)	<i>Legal Profession Act</i> , 1990, S.S. 1990-91, c. L-10
Law Society of Manitoba	25	12	10 (4 lawyers appointed by board, 6 others appointed by committee)	3 (elected articled student, Law Dean, past president)	<i>Legal Profession Act</i> , C.C.S.M. c. L107
Law Society of Ontario	54	40	8 (gov. appointed)	6 (Attorney General and 5 elected paralegals)	<i>Law Society Act</i> , R.S.O 1990, c. L.8
Le Barreau du Quebec	16	12	4 (gov. appointed)		<i>Act Respecting the Barreau Du Québec</i> , C.Q.L.R., c. B-1



<b>Law Society of Newfoundland and Labrador</b>	21	17	4 (committee appointed)		<i>Law Society Act, S.N.L. 1999, c. L-9.1</i>
<b>Law Society of New Brunswick</b>	31	23	6 (3 lawyers and 3 others appointed by board)	2 (Law Deans)	<i>Law Society Act, 1996, S.N.B., c. 89</i>
<b>Law Society of Prince Edward Island</b>	12	9	2 (gov. appointed)	1 (Secretary- Treasurer)	<i>Legal Profession Act, R.S.P.E.I., 1988, c. L-6.1</i>
<b>Nova Scotia Barristers' Society</b>	26	21	5 (appointed by board)		<i>Legal Profession Act, S.N.S. 2004, c. 28</i>
<b>Yukon Law Society</b>	8	6	2 (gov. appointed)		<i>Legal Profession Act, 2017, S.Y. 2017, c. 12</i>
<b>Law Society of the NWT</b>	6	5	1 (gov. appointed)		<i>Legal Profession Act, R.S.N.W.T. 1988, c. L-2</i>
<b>Law Society of Nunavut</b>	6	5	1 (gov. appointed)		<i>Legal Profession Act, R.S.N.W.T. (Nu) 1988, c. L-2</i>

NO. S-243258  
VANCOUVER REGISTRY

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA

PLAINTIFF

AND:

HIS MAJESTY THE KING IN RIGHT OF THE  
PROVINCE OF BRITISH COLUMBIA and others

DEFENDANTS

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**NOTICE OF APPLICATION**

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V6C 3L2

Phone: (604) 685-3456  
Attention: Craig A.B. Ferris, K.C., Laura L. Bevan, Jonathan  
Andrews

LLB/ko1