

LSBC TRIBUNAL ANNUAL REPORT 2024



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TERRITORY ACKNOWLEDGEMENT

The Law Society offices are located on the traditional territory of the Coast Salish Peoples, specifically the territories of the Skwxwú7mesh (Squamish), səliłwətał (Tseil-Waututh) and x^wməθk^wəyəm (Musqueam) First Nations.

Message from Herman Van Ommen, KC Tribunal Chair

As Chair of the Tribunal, it is my privilege to provide this update in our Annual Report. This past year has been one of progress, dedication, and resilience. I am honored to acknowledge the efforts of the individuals who make our work possible.

First and foremost, I wish to express my deepest appreciation to our adjudicators and staff. Their professionalism, expertise, and unwavering commitment to our mandate are the foundation of everything we achieve. It is through their hard work that we continue to fulfill our core function: ensuring fair, impartial, and timely resolution of matters brought before us. The demands of this role are significant, yet time and again, the Tribunal rises to the occasion with diligence and integrity.

This year has also been marked by our focused efforts to advance a key strategic goal: reducing the time between the issuance of a citation and the rendering of a final decision.

We recognize that lengthy delays can undermine confidence in the tribunal process and place undue stress on all parties involved. To address this challenge, we have taken meaningful steps to streamline processes, leverage technology, and implement best practices in case management. These efforts are only beginning to yield results, but there is still work to be done. We remain steadfast in our commitment to achieving greater efficiency while maintaining the fairness and rigor that are hallmarks of our decision-making.

The path to improvement is not without its challenges.

The path to improvement is not without its challenges. Complex cases, resource constraints, and the evolving landscape of the issues we adjudicate require us to continuously adapt and innovate. However, it is precisely these challenges that drive us to do better. By fostering a culture of collaboration, learning, and accountability, we aim to meet and exceed the expectations placed upon us.

As we look to the future, we are guided by our mission to serve the public interest through the delivery of high-quality adjudicative services. This mission compels us to not only respond to the needs of today but also to anticipate and prepare for the demands of tomorrow. Whether through ongoing professional development for our adjudicators, enhancements to our operational systems, or engagement with stakeholders, we are committed to evolving in ways that uphold the trust and confidence of those we serve.

In closing, I would also like to thank all those who engage with and support the Tribunal. Your feedback, participation, and trust are invaluable to our continued success. I encourage hearing participants and members of the public to continue to provide us with feedback on how we can better serve your needs. Together, we will continue to strive for excellence in all that we do.

I was honoured to serve as Tribunal Chair in 2024 and look forward to continuing to lead the Tribunal in the coming year with the support of our adjudicators and staff.

Herman Van Ommen KC,
Tribunal Chair





The Rule of Law and the Tribunal

The Rule of Law

The Rule of Law is a fundamental principle of Canadian administrative law. It requires that all government agencies, including the Law Society and the LSBC Tribunal, act within the bounds of the law and makes them subject to the same legal constraints as private citizens.

The Rule of Law ensures fairness, transparency and accountability in professional regulation. Below are its key principles and how they apply to the LSBC Tribunal:

- 1. No one is above the law:** The Tribunal applies the law equally and fairly to both the regulator and licensees regardless of their status, power or position. The Tribunal's own actions are themselves subject to appeal or judicial review by the Courts.
- 2. Presumption of innocence:** Legal professionals are presumed to have complied with their obligations under the *Legal Professional Act*, Law Society Rules and *Code of Professional Conduct for British Columbia*. Discipline counsel has the onus and burden of proving on the balance of probabilities that the legal professional failed to comply with those obligations.

3. **Open, independent and impartial Tribunal:** The LSBC Tribunal holds public hearings and its adjudicators make decisions independently, free from internal or external influences.
4. **No retroactive application of laws:** The Tribunal applies the provisions of the *Legal Profession Act*, Law Society Rules and the *BC Code* that were in place at the time of the alleged misconduct.
5. **Transparent lawmaking:** The Act and rules governing legal professionals are created by elected officials or their representatives in a transparent process, with the laws and rules published for public access.
6. **Fair conduct by regulator:** Discipline counsel must act with fairness, integrity and in the public interest, avoiding unnecessary delays and not taking advantage of legal technicalities. This principle ensures that regulatory proceedings are in turn conducted with transparency, fairness and respect for the process.
7. **Fair and timely hearings:** The Tribunal ensures that hearings are conducted fairly, efficiently and in line with natural justice.
8. **Separation of powers:** The administration of the Tribunal is independent from the regulator to maintain impartiality.
9. **Proportionate and justified sanctions:** The Tribunal is guided by sanctioning principles and prior relevant decisions to ensure that the sanction imposed is fair, proportionate and justified given the proven misconduct and the particular circumstances of the respondent. The Tribunal also ensures that the legal professional has a fair hearing and the chance to defend themselves prior to any disciplinary action being imposed.
10. **Freedom to criticize:** The public is free to voice opinions or criticisms about the Tribunal or the regulator.
11. **Accessible laws and rights:** All governing legislation, rules, practice directions and policies are posted on Tribunal website for public access.

Why is compliance with the Rule of Law important to the LSBC Tribunal?

Public trust in government and legal institutions is declining due to concerns about corruption, lack of accountability and perceived unequal application or access to justice. When people perceive that laws are applied selectively, favouring the rich and powerful while disadvantaging others, confidence in the legal system erodes.

Ensuring compliance with the Rule of Law is essential for fairness, consistency and impartiality in decision-making.

The LSBC Tribunal plays a key role in maintaining confidence in the legal profession. It resolves disputes and holds legal professionals accountable. Without adherence to the Rule of Law, disciplinary processes could become unfair, arbitrary or subject to external or internal pressures, undermining public confidence in the Tribunal's work. By following clear legal principles, the Tribunal protects individual rights and maintains the integrity of professional standards.

A strong commitment to the Rule of Law in professional discipline promotes accountability and trust in self-regulation. Lawyers are held to high ethical and legal standards, and the Tribunal ensures that misconduct is addressed fairly and transparently. This helps both legal professionals and the public trust that decisions are based on evidence and due process – not personal bias or outside influence. This promotes a culture of responsibility and reinforces the credibility of regulatory institutions.

Upholding the Rule of Law also protects both individual rights and the broader public interest. Legal professionals facing disciplinary action must be given a fair hearing, with the opportunity to present their case and challenge any allegations against them. At the same time, regulatory bodies must protect the public from unethical or incompetent practitioners. The LSBC Tribunal ensures that these processes are fair, balancing professional integrity with the need for accountability.

Ultimately, the Rule of Law strengthens the Tribunal's legitimacy and reinforces confidence in professional legal regulation.



What we do and how we do it

The LSBC Tribunal is an independent decision making body. It manages, considers and decides disciplinary cases involving legal professionals and contentious applications of licensing candidates seeking to practice law in British Columbia.

Website: LSBCTribunal.ca

Information about the LSBC Tribunal – from the principles that guide us to our processes and the cases that we adjudicate is available on our website.

Tribunal Directions and Hearing Forms

To ensure that the Tribunal's processes are clear and understandable, we publish updated comprehensive Practice Directions together with applicable Hearing Forms.

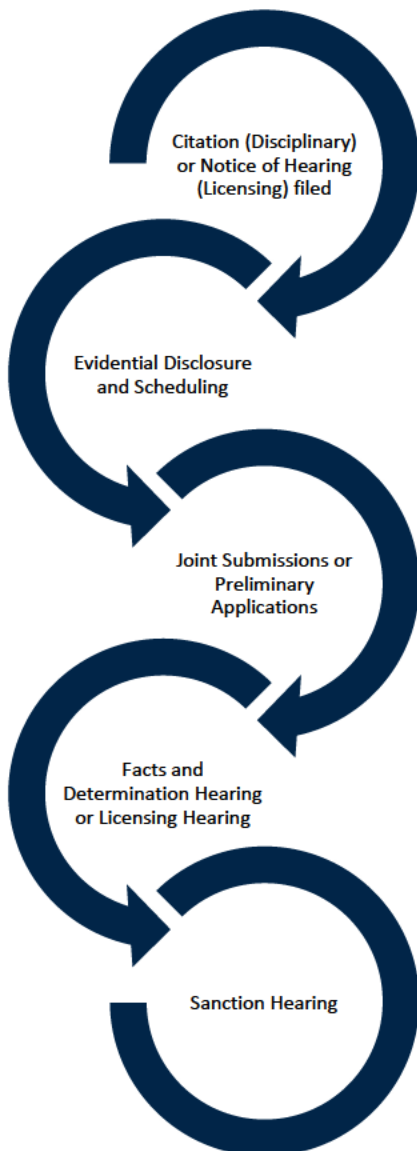
Instructions Guides and Booklets

We also published Instructions Guides and Booklets to assist lawyers, licensee applicants and the public in navigating our hearing processes, using our electronic document platform and participating or attending our hearings.

Selected Statistics: Decision and Citation Resolution Timeliness

Timeliness within the Tribunal is not merely a convenience; it is fundamental to the administration of justice.

Five Stages of Hearing



Delays in hearings can extend uncertainty, harm the physical, mental and financial well-being of participants and undermine trust in our administrative process, diminishing its effectiveness and credibility. Equally essential is the timely writing of decisions, crucial for parties to understand outcomes, adhere to directives, and, if necessary, pursue further legal avenues.

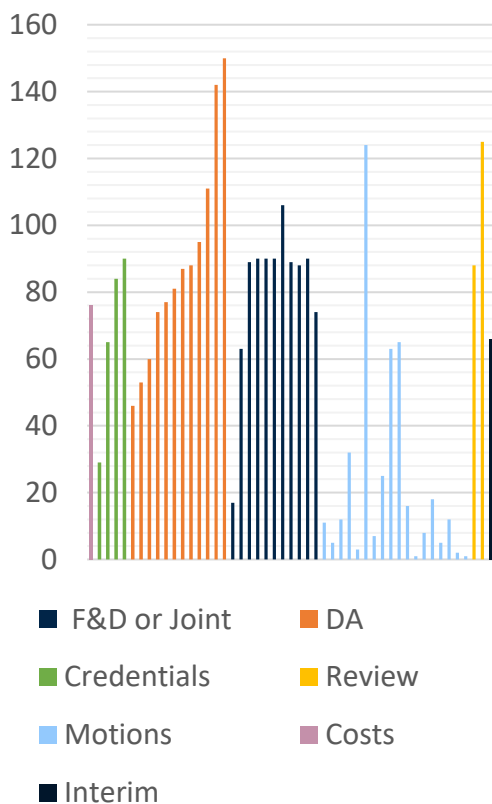
This is why the Tribunal establishes clear timelines and works to ensure adherence to procedural rules. Participants are encouraged to resolve matters as early in the process as possible or, if they cannot, to move the matter expeditiously to hearing. At the same time, the Tribunal encourages its own adjudicators to issue timely decisions.

In 2024, we improved our decision-making timeliness, with 86% of decisions issued within 90 days of the date of last submission. We did not however see a corresponding improvement in the time it took to resolve citations. This will remain our focus in 2025.

Select Statistics: Timeliness of Decisions

How long does it take for a decision to be issued?

Timeliness of
Decisions



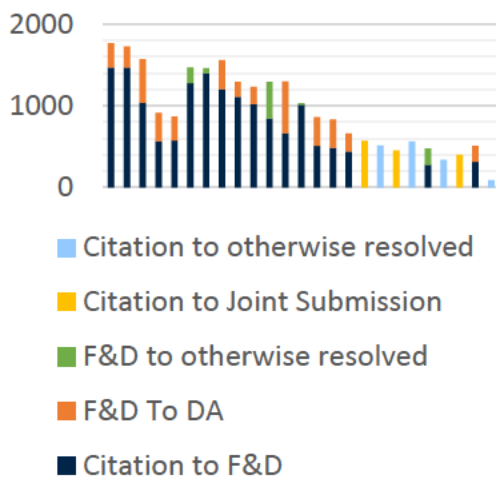
In 2024, the Tribunal issued 49 decisions with an average time of 61 days from the date of the parties' last submissions. The timeframe ranged from 1 to 150 days.

The Tribunal remains committed to delivering timely decisions while upholding its high standards and ensuring thorough consideration of all evidence and legal arguments.

Select Statistics: Completed Discipline Files

How long does it take for a matter to be decided?

Citation to Final Decision or Resolution



It is in the public interest for citations to be dealt with expeditiously.

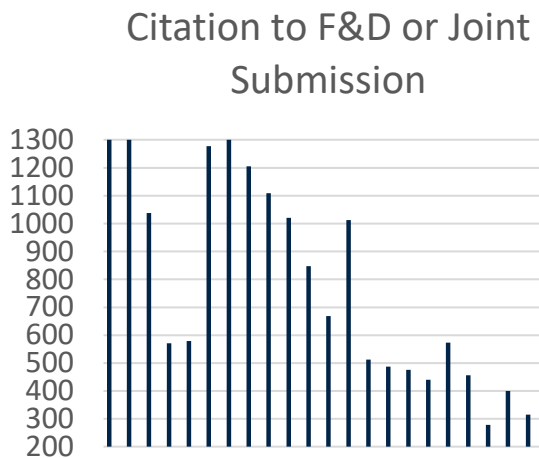
In 2024, 26 disciplinary hearing files were closed: 17 of which resulted in disciplinary action and 9 of which were rescinded or otherwise resolved without a sanction hearing.

On average, it took 2.6 years between the issuance of a citation and the issuance of the disciplinary decision or other final resolution. The range was between three months and 4.8 years.

The Tribunal will continue with its case management program which requires parties at an early stage of the case to meet to discuss the status of the file. In 2025, we will also focus on the timely exchange of expert reports, one of the main grounds for adjournment requests in 2024. The Tribunal has also instituted a new scheduling process for the sanction phase of the hearing, with the panel providing their availability for the hearing at the time of issuing their facts and determination decision and giving the parties 5 days to respond to the proposed dates.

Selected Statistics: Completed Discipline Files

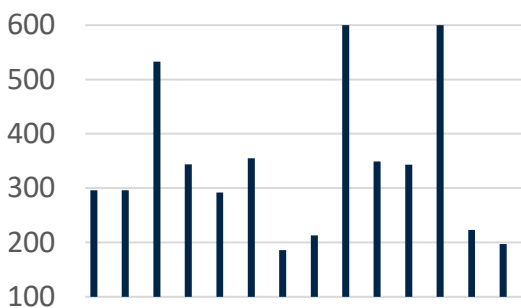
How long is the hearing process?



Citation to Facts and Determination to Sanction

The average time between the issuance of the citation and the issuance of the facts and determination or joint submissions decision was 2.2 years.

F&D Decision to DA Decision

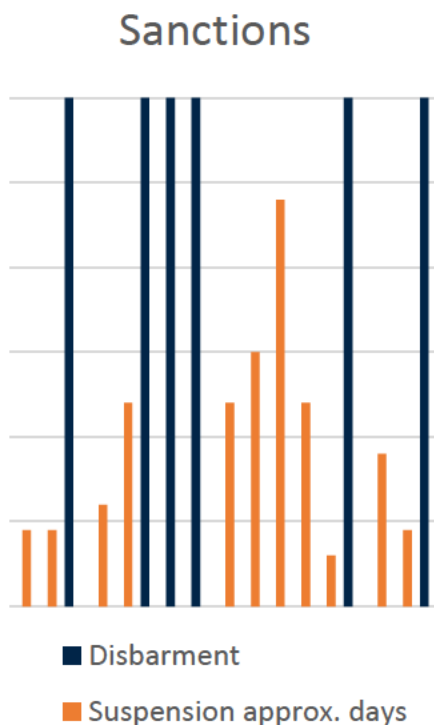


The average time between the issuance of the facts and determination decision and the issuance of the disciplinary action decision was 0.9 years.

The Tribunal will continue to work with the parties to expeditiously move matters to hearing while at the same time ensuring that fairness is not compromised.

Selected Statistics: Completed Discipline Files

What Sanctions were imposed?



Citation to Facts and Determination to Sanction

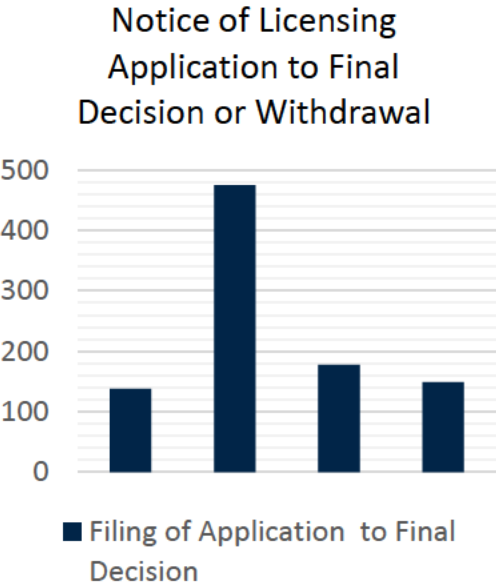
Of the 26 closed citation hearing files, 22 resulted in adverse determinations and four were closed before the facts and determination hearing.

A further five citation hearing files were closed after the adverse determination decision was issued but prior to the sanction phase of the hearing¹. Of the 17 citation files that went to a sanction hearing, 11 resulted in suspensions ranging between 1 and 8 months (with or without conditions) and 6 led to disbarments.

¹ Citation rescinded following death of respondent or prior ungovernability and disbarment findings

Select Statistics: Completed Licensing and Review Files

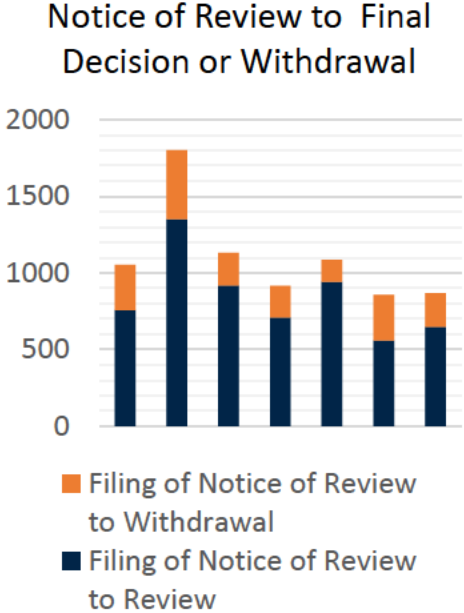
Licensing Files



Licensing Files

In 2024, the Tribunal closed 4 licensing files all of which went to hearing and all of which resulted in the applicant being permitted to practice law or being admitted to the articling program. The time between the filing of the Notice of Referral to Hearing and the issuance of the licensing decision was between 138 and 475 days with the median being 0.6 years.

Review Files



Review Files

In 2024, the Tribunal closed 7 review files of which only 2 went to hearing and 5 were withdrawn or abandoned at various stages. The time between the filing of the Notice of Review and the issuance of the review decision or withdrawal of the review was between 208 and 408 days with the median being 0.8 years.

Select Statistics: Types of Hearings

What kinds of hearing files does the Tribunal deal with?



In 2024, the LSBC Tribunal handled 67 disciplinary, licensing, extraordinary action and review files relating to 48 individuals with over 227 allegations of misconduct.

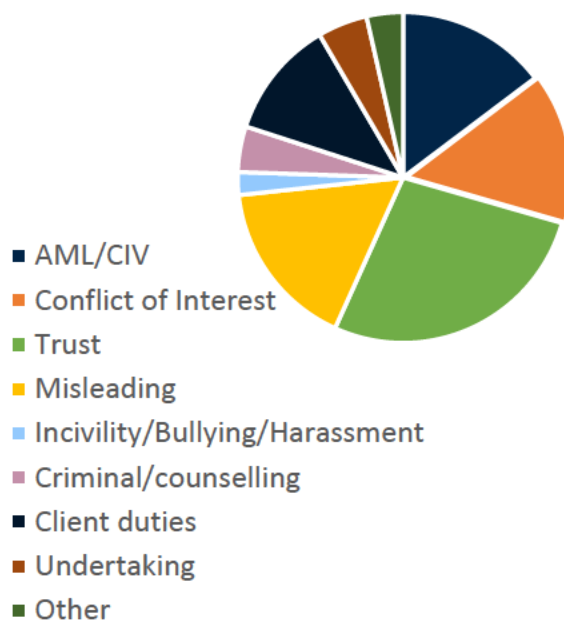
There were 56 preliminary applications or case management conferences, 21 disciplinary hearings, four licensing hearings, one extraordinary action hearing and two review hearings held or continued in 2024 either in writing, virtually or in-person over the course of 93+ days.

49 decisions were issued.

Select Statistics: Types of Allegations

What kinds of allegations of misconduct were before us?

Allegations



In 2024, allegations against lawyers broke down as follows:

- **27%** related to mishandling client funds, including misappropriation, improper trust fund management, breaches of accounting rules, or billing issues.
- **16%** involved misleading or false representations to clients, opposing parties, or the Law Society.

- **14.5%** involved money laundering, client identification/verification failures, or unlawful conduct, such as misuse of trust accounts without providing legal services, insufficient inquiry into a client's business or funds, or failing to maintain proper client identification records.

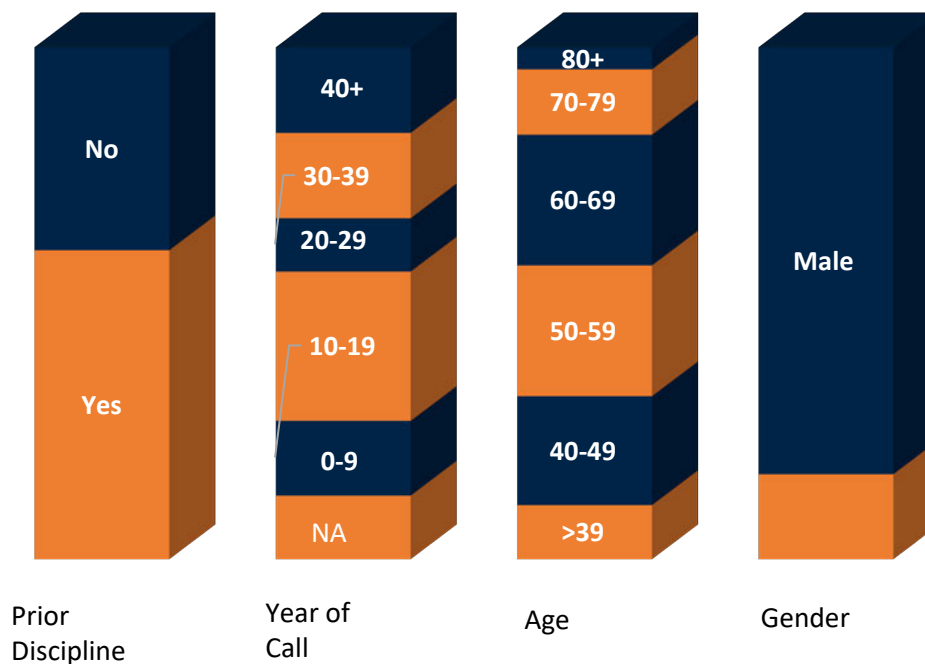
- **14.5%** concerned conflicts of interest, such as improper financial dealings with clients, favoring one client over another, or acting against a former client.

- **11%** related to allegations of failure to comply with other duties to clients such as quality of service, maintaining client confidentiality, delay, and failure to respond.

- The remainder included allegations of breaches of undertakings, incivility, bullying and harassment, failure to comply with regulator, conduct unbecoming, criminal or quasi criminal behaviour or engaging in or facilitating dishonesty, crime, or fraud.

Selected Statistics: Demographics 2024

What can you tell me about the respondents and applicants?



Respondent or Applicant Characteristics

Of the 48 respondents or applicants before the Tribunal in 2024:

- 60% had a prior discipline history.
- 73% had 10 or more years of practice
- 67% were over 50 years old
- 83% identified as male

Selected Statistics: Court Actions 2024

Court Decisions Issued in 2024

In 2024, the Court of Appeal issued two decisions with respect to Tribunal matters: *Law Society of BC v. Yen*, 2024 BCCA 416 and *Gregory v. Law Society of BC*, 2024 BCCA 350.

These decisions confirm the proper approach to statutory interpretation (*Yen*), the need to apply the test for professional misconduct by subjecting the specific conduct in question to a proper analysis (*Yen*); a lawyer's duty to make inquiries about suspicious circumstances surrounding their client even when a court will ultimately determine the same facts (*Gregory*) and the obligation to make inquiries upon retainer and not only prior to trial (*Gregory*).

The Court's decisions give guidance to the Tribunal on its practice and decision writing, on what is working and what can be improved.

Court Cases initiated in 2024

Two appeals of hearing panel decisions were initiated in the Court of Appeal in 2024, both appeals are still pending.

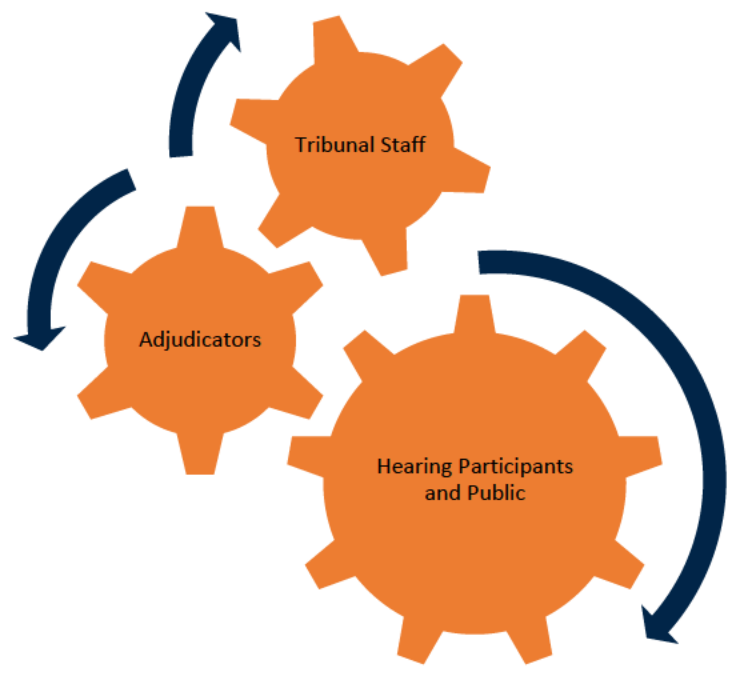


Annual Survey of Adjudicators and Hearing Participants

What we heard and what we will do in 2025

Hearing participants (past and present) and adjudicators were separately invited to complete anonymous surveys seeking feedback on the Tribunal's practices and procedures, how they could be further improved and what further information could be provided to the public or hearing participants to make its processes more accessible.

At the same time, the public was invited to submit comments through the LSBC Tribunal Website on ways we could improve our website, instructions or guides to make our hearings and processes more accessible.



This is what we heard and what we plan on doing in response:

Annual Survey Results

What we heard

- Most hearing participants and adjudicators preferred in-person hearings for the evidentiary portion of the hearing, with an option for witnesses to testify remotely when appropriate.
- There was a strong preference for handling procedural matters, joint submissions, and legal argument by way of virtual hearings, mainly for cost efficiency and timeliness.
- Adjudicators wanted early access to filed documents, while ensuring parties could still object to their admission at the hearing.
- Participants expressed concern about the timeliness of hearings and decisions.
- Adjudicators recognized the need for support in using document sharing platforms (Sync) or attending virtual hearings (Zoom) for self-represented parties.

What we intend to do in 2025

- The Tribunal will enhance access to information on requesting a change in the presumptive hearing format when parties cannot agree. Adjudicators will be reminded of their flexibility to adjust the hearing format as needed.
- Hearings lasting more than four days will presumptively be held in-person. Parties are encouraged to consent or apply for in-person hearing or hybrid hearings where appropriate. The LSBC Tribunal's larger hearing room has now been updated to better accommodate hybrid hearings.
- The Tribunal will send reminders to the parties to file their materials in advance and encourage them to consent to forwarding those materials to the panel. Additionally, the Tribunal will consider seeking an amendment to Rule 5-6.1 to expand the type of materials that can be provided to a panel in advance of the hearing.
- Timeliness will remain a priority for the Tribunal in 2025.
- Instruction guides on the LSBC Tribunal website regarding electronic document uploads and virtual hearings will be reviewed and updated as needed. Participants are encouraged to contact hearing clerks in advance for assistance with platform usage.



About us

Mission Statement

The LSBC Tribunal is an independent decision making body which hears and decides regulatory cases in a manner that is fair, respectful, transparent, and in the public interest.

Core Values

Fairness

We approach every hearing with an open mind with respect to every issue, and avoid doing or saying anything that could cause any person to think otherwise. We are impartial and ensure that we are not improperly influenced in our decision making by internal or external sources. We treat all with respect, courtesy and dignity.

Respect

We show respect for the parties, representatives and witnesses and for the hearing process itself. We demonstrate sensitivity to issues of indigenous identity, gender, ability, race, language, culture, and religion. We ensure that the hearing room and process is accessible and barrier free for all.

Transparency

We act in a manner that is transparent. Our decisions, rules, processes and policies are available to lawyers and the public in an easily accessible and understandable format.

Quality

We strive for excellence in our decision making. We aim for continuous improvement and remain open to change and different perspectives.

Timeliness

We are guided by the importance of timely resolution of all matters. We schedule hearing and continuation dates expeditiously and complete written reasons promptly.

Integrity

We act honestly and ethically. We make each decision on the true merits and justice of the case, based on the law and the evidence. We are not deterred from making the correct decision by any prospect of disapproval from any person, institution or community.

About the Adjudicators

Adjudicators, or members of the LSBC Tribunal, make up the panels and review boards that hear and decide LSBC Tribunal cases. Each hearing panel or review board is chosen by the Tribunal Chair, with an eye to such factors as representation and experience. Hearing panels usually comprise three adjudicators. Review boards comprise five adjudicators. Adjudicators may be benchers (lawyers elected regionally by the legal profession and non-lawyer members of the public appointed by the provincial government, who govern the Law Society), or appointees (qualified lawyers and members of the public recommended by a selection committee and appointed by the benchers).

In addition to appointing adjudicators to hearing panels and review boards, the Tribunal chair appoints motion adjudicators to aid in case management and to decide preliminary applications, facilitating fair and efficient resolution of preliminary matters.

2024 Motion Adjudicators

In addition to the Tribunal Chair, Herman Van Ommen KC, the following lawyers served as motions adjudicators: Nicole Byres, KC, Eric Gottardi, KC, Kimberly Henders Miller and Gurminder Sandhu, KC.



2024 Adjudicators

Adjudicators preside over regulatory proceedings involving lawyers and contentious applications of licensing candidates seeking to practice law in British Columbia. They interpret relevant legislation and rules, assess evidence, and deliver impartial judgments in the public interest. In 2024, the following individuals acted as adjudicators:

 <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Elected or government appointed Benchers</p>	<ul style="list-style-type: none"> • Paul Barnett • Tanya Chamberlain • Nikki L. Charlton • Christina J. Cook • Cheryl D'Sa, KC • Timothy Delaney • Brian Dybwad • Ravi R. Hira, KC • James A.S. Legh • Benjamin D. Levine • Jaspreet Singh Malik • Jay Michi • George Rivard • Gurminder Sandhu, KC • James Struthers • Natasha Tony • Gaynor C. Yeung • Jonathan Yuen
 <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Appointed Lawyers from the community</p>	<ul style="list-style-type: none"> • Karen Ameyaw • Aleem Bharmal, KC • Nicole Byres, KC • Cindy Cheuk • Douglas T.K. Chiu • Catherine Chow • Robert Deane • Eric Gottardi, KC • Susan Kootnekoff • Julie Mantini • Kimberly Henders Miller • Monique Pongratic-Speier, KC • Sean Rowell • Kate Saunders • Krista Simon • Maia Tsurumi • Jason Twa • Robert Wickett, KC
 <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Non-lawyer Public Representatives</p>	<ul style="list-style-type: none"> • Alykhan Alladina • Linda Berg • Clarence Bolt • Gregory Cran • David Dewhirst • Michael Dungey • Warren Funt • Kris Gustavson • Darlene Hammell • Karen Kesteloo • Cyril Kesten • Harinder Mahil • Brendan Matthews • Diane McRae • Erwin Nest • Paul Ruffell • Ruth Wittenberg

Adjudicator Recruitment

The Tribunal actively encourages individuals from Indigenous, racialized, 2SLGBTQI+, or disabled communities, including both lawyers and members of the public, to apply for adjudicator positions. Our aim is to ensure that our adjudicators mirror the diversity of the legal profession, which, in turn, should reflect the demographic makeup of British Columbia's population

About Adjudicator Education

The LSBC Tribunal is committed to enhancing adjudicator awareness and competency through continuous mandatory education.

As part of this commitment, our annual adjudicator education course in 2024 centered on expert evidence. The Honourable Justice Alan Ross delivered the keynote address on “Expert Evidence and the Role of the Adjudicator as Gatekeeper” while Tribunal Counsel, Alison Kirby, dealt with “Expert Evidence and Law Society Proceedings”. In addition, there were presentations by First Vice-President Brook Greenberg, KC on “Mental Health and Substance Use Issues in the Context of Professional Regulation”, an update on significant professional regulatory decisions from 2024 by Tribunal Advisor Sandra Haywood Farmer, and a discussion led by the Tribunal Chair on the 2024 Survey Results and how the Tribunal could improve its processes in light of that feedback.

Other Activities

In addition to the normal workload of hearing cases and applications, deciding issues, writing and issuing reasons, issuing orders, and presiding at case management conferences, members of the Tribunal participate in a wide variety of other activities in their communities.

Some adjudicators also regularly preside at moot court competitions, and speak at educational programs and lay and professional conferences.

Adjudicators welcome opportunities to engage in public education and to contribute to a greater understanding of the administrative justice system and its role in Canadian society.

Indigenous Navigator

An Indigenous Navigator is available to support Indigenous participants throughout of the Tribunal's hearing process. This service is specifically designed to assist First Nations, Inuit or Métis individuals, including complainants, witnesses, respondents and license applicants.

If you self-identify as Indigenous, we encourage you to connect with the Indigenous Navigator for guidance on available services.

Participation is entirely voluntary, and while the Navigator does not provide legal advice, they offer valuable guidance and support. By working collaboratively with all parties and the Tribunal, the Indigenous Navigator helps ensure that Indigenous laws, practices and customs are respected and integrated into the proceedings. Their assistance enhances the Tribunal's accessibility and effectiveness, fostering a fair and equitable process for Indigenous individuals.

Single Regulator

We recognize that proposed changes to the regulation of legal professionals in British Columbia may raise questions and concerns.

If the new legislation comes into force, a single regulator will oversee lawyers, notaries, and licensed paralegals. The LSBC Tribunal will continue its important work until a new Legal Professions Tribunal assumes its role, maintaining continuity in upholding the public interest and legal accountability.

While the new *Legal Professions Act* received Royal Assent in May 2024, its provisions are not yet in effect, allowing for a careful and structured implementation process over 18-24 months. Meanwhile, the Law Society is challenging the constitutionality of the new legislation to protect the independence of lawyers, ensuring they can serve the public without governmental interference.

The LSBC Tribunal remains committed to transparency, accountability, and maintaining the public's trust throughout this process. Our services will continue uninterrupted.

Tribunal Office

Tribunal 2024

The Tribunal has its administrative office on the 9th Floor, 845 Cambie Street in downtown Vancouver.

The Tribunal Office's main function is to co-ordinate hearings and provide support to the Tribunal Chair and adjudicators in the exercise of their duties.

Staff is also responsible for updating the Tribunal's website and communicating with hearing participants, individuals and organizations about the hearing processes.

We would like to thank staff and the adjudicators for all their hard work. Their contributions are indispensable to the Tribunal's ability to fulfill its vital responsibilities in serving the public interest.

Tribunal Staff in 2024

Herman Van Ommen, KC (Chair),

Alison L. Kirby (Tribunal Counsel),

Sandra Haywood- Farmer (Tribunal Advisor),

Michelle Robertson (Hearing Administrator),

Mimi Odkhuu (Hearing Clerk),

Jane Ladesma (Hearing Clerk),

Amanda Kerr (Hearing Clerk and Legal assistant).