

April 26, 2024

Sent via email

The Honourable Niki Sharma, KC
Attorney General of British Columbia
Parliament Buildings
PO Box 9044 Stn Prov Govt
Victoria, BC V8W 9E2

Dear Attorney General Sharma:

As you will be aware, the Law Society of British Columbia is deeply concerned that Bill 21 – the Legal Professions Act will have detrimental effects on the ability of legal professionals to properly represent the public.

The Law Society has a statutory mandate to protect the public interest in the administration of justice by preserving and protecting the rights and freedoms of all persons and the Benchers have an obligation to act on that mandate.

We, the Benchers of the Law Society, are certain that the development of Bill 21 has failed to meet reasonable expectations that the public and legal professions be significantly involved in commenting and advising on the substance of the Bill. We are also certain that the passage of Bill 21 will disrupt and diminish the effectiveness of legal regulation in this province. And we are likewise certain that Bill 21 fails to protect the public's interest in having access to independent legal professions governed by an independent regulator which is not constrained by unnecessary government direction and intrusion.

We urge you and your government to reconsider proceeding with the passage of Bill 21 and to take the time to consult more widely with the public, the legal professions and the Indigenous peoples of British Columbia to ensure that a revised Bill creates a legal regulator that will “so far as by human ingenuity it can be so designed, be free from state interference, in the political sense, with the delivery of services to the individual citizens in the state.”

Should Bill 21 be passed and receive Royal Assent, without significant amendment, we believe that our mandate to protect the rights and freedoms of all persons will require the Law Society to initiate litigation to challenge the constitutionality of the Act. That outcome is, by no means, the one we consider most conducive to the public interest. The better option is to take the necessary time to get this right.

We again urge you to exercise the leadership necessary to make certain that the future foundations of legal regulation in this province are the right ones.

Yours truly,

[original signed]

Jeevyn Dhaliwal, KC
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