

Sent via email to AGM@lsbc.org

To the Executive Director of the Law Society of British Columbia:

Re: Member Resolution to be considered for the Annual General Meeting

Attached please find below our submission for a member resolution to be voted on at the next Annual General Meeting of the Law Society of British Columbia on June 27, 2023.

Kind regards,

Hasan Alam and Terri-Lynn Williams-Davidson

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Hasan Alam
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MEMBER RESOLUTION

WHEREAS:

- A. The Supreme Court of Canada (in *Reference re Greenhouse Gas Pollution Pricing Act*, 2021 SCC 11) has recognized that:
1. Global climate change is real and a threat of the highest order to the country and the world, and requires collective national and international action to address;
 2. The effects of climate change have been and will be particularly severe and devastating in Canada, with heightened impacts in coastal regions, Indigenous territories, and the Canadian Arctic; and
 3. The impacts of climate change disproportionately threaten the ability of Indigenous communities in Canada to sustain themselves and maintain their traditional ways of life and laws;
- B. The United Nations Intergovernmental Panel on Climate Change (IPCC) has confirmed that unless there are immediate, rapid and large-scale reductions in greenhouse gas (GHG) emissions, limiting warming to close to 1.5°C or even 2°C will be beyond reach (*2021 IPCC Sixth Assessment Report – The Physical Science Basis*), that 1.5°C in near-term will cause unavoidable increases in multiple climate hazards and present multiple risks to ecosystems and humans (*2022 IPCC Sixth Assessment Report – Impacts, Adaptation, and Vulnerability*), and that there is a rapidly closing window of opportunity to secure a liveable and sustainable future for all (*2023 Synthesis Report*);

- C. The Province of British Columbia has enacted the *Declaration on the Rights of Indigenous Peoples Act* in 2019 and, in doing so, affirmed that the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) applies to the laws of British Columbia, which provides that Indigenous Peoples have the right to the conservation and protection of the environment, the productive capacity of, and spiritual relationships with, their lands or territories and resources, and the protection of Indigenous laws;
- D. Law societies and associations around the world including the American Bar Association, International Bar Association, the Law Council of Australia, the Law Society of England and Wales, the Council of Bars and Law Societies of Europe, Conseil National des Barreaux les Avocats (France), Ordem dos Advogados do Brasil, Japanese Federation of Bar Associations, and in Canada, the Barreau du Québec and Law Society of New Brunswick, have passed climate resolutions, adopted climate statements, created special committees and task forces, and/or issued climate change guidelines for their members, acknowledging that the legal profession has a relevant role to play in addressing climate change locally, nationally and internationally;
- E. Pursuant to the *Legal Profession Act*, SBC 1998, c 9, the Law Society upholds and protects the public interest in the administration of justice in British Columbia by, among other things, preserving and protecting the rights and freedoms of all persons, ensuring the independence, integrity, honour and competence of lawyers, and establishing standards and programs for the education, professional responsibility and competence of lawyers and articulated students; and
- F. All lawyers have professional and ethical obligations, including the duty of competency to educate themselves on and advise their clients with respect to systemic and material risks, liabilities, and opportunities associated with climate change.

BE IT RESOLVED THAT:

1. The Law Society develop plans and take rapid action, in a manner which is consistent with restricting global warming to 1.5°C, by adopting science-based targets.
2. The Law Society support, inform and encourage lawyers to engage with climate change mitigation, in accordance with the Code of Conduct and other regulatory instruments of the Law Society, by undertaking activities to:
 - a. provide guidance to lawyers on how, when approaching any matter arising in the course of legal practice, to take into account the likely impact of that matter upon the climate crisis in a way which is compatible with their professional duties and the administration of justice, including advising their clients of the intersection of climate change and human rights;
 - b. develop, disseminate and publicize educational tools and resources to support lawyers in incorporating into their daily practice the impacts of climate change, including how to reduce GHG emissions, and adapt, mitigate and prepare for the likely impacts of climate change upon their daily practice; and

- c. engage with current and future climate change-related legislative, regulatory and policy reform so far as it impacts on the practice of law, access to justice and the rule of law, including law and policy aimed at limiting GHG emissions and mitigating the effects of climate change, consistent with commitments under international treaties and domestic law.
3. The Law Society create a task force or advisory committee to study the topic of the role of lawyers in both advising clients and addressing climate change with the goal of developing further guidelines for lawyers in their practice and climate conscious lawyering, creating professional development programming for lawyers and articulated students, and defining climate justice.
4. The Law Society report publicly on the climate impacts of the Law Society and its operations, the steps taken to reduce those impacts, and the outcome of such steps.