

## Notice to the profession from the Law Society of BC

### **COVID-19 update: March 26, 2020**

The Law Society acknowledges the commitment and dedication of the legal profession as we all work together to manage the unprecedented impact of COVID-19. We have asked the Province to suspend statutory limitations during this provincial public health emergency and continue to work with the Province on a general statement regarding the use of virtual commissioning. We will keep you informed of our progress and recognize that many of you face other challenges. We are committed to looking for ways to address these challenges and support you.

#### **List of COVID-19 essential services**

Today, the provincial government designated the work of lawyers and paralegals to be essential services. Essential service providers are encouraged to remain open, but they must follow the orders and guidance provided by the Provincial Health Officer to ensure safe operations and reduce the risk of transmission of COVID-19. Further information and a full list of what qualifies as an essential service in the context of the Province's response to COVID-19 may be found on the [Government of BC website](#).

#### **Deferral of second installment of LIF fees**

As law firms and lawyers may be facing significant financial consequences as a result of the Province's response to the COVID-19 pandemic, we will be looking at what the Law Society can do to assist law firms and lawyers address those challenges. As one practical step we can take now, we will allow lawyers experiencing financial challenges to defer payment of the second installment fee for the Lawyers Indemnity Fund, normally due June 30, 2020, until August 31, 2020.

#### **Virtual commissioning**

Some lawyers have asked for clarification about whether the process for virtual commissioning set out in the March 20, 2020 Notices issued by the Court of Appeal, the Supreme Court of British Columbia and the Provincial Court may be used to commission affidavits or take solemn declarations for other purposes than filing at the courts.

The Law Society has stated that, where lawyers reasonably determine that circumstances require virtual commissioning of an affidavit and they follow the procedure in the Notices, we will consider the requirement set out in Appendix A 1(a) of the *Code of Professional Conduct*, that the deponent be physically present before the lawyer, to be met.

Other entities that receive affidavits or solemn declarations have to consider whether they have the authority to accept affidavits or solemn declarations that are commissioned using video technology. Lawyers will need to determine whether the particular body for whom the affidavit or solemn declaration is prepared will accept such evidence sworn or taken using video technology, and under what circumstances. The Law Society has been actively engaged in encouraging entities to adopt the same procedure as the courts.

### **PLTC update**

The declaration of a public health emergency has disrupted the schedule of the current and next sessions of the PLTC program. April exams for the current session are postponed to May 19 and 22, 2020. The start of the next session is postponed and is now scheduled to begin on June 1, 2020. These dates are still subject to change. We regret any inconvenience this causes.

### **COVID-19 impact on NCA examinations**

The National Committee on Accreditation has advised that the May 2020 examination session has been cancelled. Those registered to take the exams in May will be automatically registered in subsequent exam sessions. For further information, read the [NCA's full notice](#).