

## PUBLIC AFFAIRS REPORT



Todd Hauptman is the public affairs director at the Trial Lawyers Association of BC. His public relations work has involved him in a variety of sectors, including government, tourism, technology, non-profit and small business. He has extensive experience in politics, having managed two provincial election campaigns, and has worked for several government officials. Todd is a recipient of the Queen's Jubilee Medal for his longtime community volunteer work.

BY TODD HAUPTMAN  
DIRECTOR OF PUBLIC AFFAIRS

I'm not sure about you, but I enjoy many things about all seasons in the year because with a new season comes renewal and new opportunities. As I mentioned in the previous issue of *the Verdict*, our Road BC campaign has been changed to more of a simmer, but we continue to fight.

For example, on behalf of TLABC, ICBC Committee Co-Chair John Rice submitted a paper to BC Attorney General David Eby about the regulation phase of Bills 20 and 22. The *Submission Regarding Insurance Vehicle (Vehicle) Amendment Act & Regulations and BCSC Rules of Court for Non-Minor MVAs* highlights our association's greatest concerns about the recently passed Bills 20 and 22. This paper is a critical analysis of the legislation and what is publicly known about the regulations moving forward towards enactment on April 1, 2019.

The following are the eleven recommendations highlighted in this submission to the Attorney General. We believe these changes are critical to ensuring British Columbians injured on the road get the care they require.

1. Transparent consultation needed.
2. Narrow the definition of minor injury.
3. Exclude mental health conditions.
4. Make the definition of minor injury simple.
5. Define "serious impairment"
6. Let medical professionals do their jobs.
7. Eliminate the statutory provision that a victim can be deemed to have suffered a minor injury in the event they fail to follow prescribed treatment protocols.
8. Remove the restriction on recovery of out-of-pocket expenses.
9. Put patient care first.
10. Protect victims from subrogated claims.
11. Do not touch the rules of court.

This paper was also delivered to all 87 provincial MLAs to encourage them to review the paper and inform us of their position. Political media were sent a press release from us, which resulted in a column in the *Vancouver Sun* by Ian Mulgrew. The column quotes John Rice here, "*Our members are deeply concerned on behalf of British Columbians that individual rights are being sidelined in favour of a quick fix to ICBC's mismanagement problems,*" said John Rice, the Trial Lawyers Association secretary/treasurer.

## While the Road BC fight continues, significant work has been done on other access to justice issues as well.

Readers may recall that TLABC had challenged the constitutionality of section 17 of the *Jury Act*, specifically as it pertains to charging litigants for jury fees, in provincial Supreme Court. Not only is British Columbia one of the few provinces to charge such fees, its fees are the highest. Ultimately, in September 2017 the BC Court of Appeal rejected our challenge. Following that decision, TLABC submitted a leave to appeal to the Supreme Court of Canada. We were advised at the end of July that leave to appeal would not be granted. However, as Robert Holmes (who represented TLABC in this latest action) noted, while the SCC may have determined it does not have jurisdiction to review the matter, it did not determine whether it was fair and just. Now a matter of public policy, we will shift our approach and engage directly with the government on the question of jury fees.

In addition, improving legal aid and enacting a wrongful death act in British Columbia are two other policy areas that TLABC has been working on (with others) for some time. Shawn (TLABC's CEO) and I have been meeting with stakeholders central to both issues with an eye to refining our government relations strategy and strengthening our level of collaboration with other groups with similar views. The new legislative session for MLAs begins on October 1, so please be aware that until then MLAs will be in their constituencies. If you have strong feelings about any of the issues referenced in this column (and you should!), please consider attending local events hosted by your MLA to make personal contact and to share your point of view.

The beginning of a new season can offer a unique opportunity to reflect and recharge one's focus on important issues and TLABC is doing just that. While ROAD BC spent many months at the top of our agenda, we continue to fight for access to justice on a number of fronts for all British Columbians. [V](#)