

Notice to the profession from the Law Society of BC 23 March 2020

COVID-19 update: March 23, 2020

We know that developments over the past seven days have created significant challenges for lawyers trying to meet their legal and ethical obligations while ensuring that they and their staff remain safe.

Since provincial health officer Dr. Bonnie Henry declared a public health emergency last week, the Law Society has been reaching out to the courts, government and government agencies, including the LTSA, to find ways for lawyers to meet their professional obligations while maintaining social distancing and protecting both the client and the lawyer's health. On Friday, March 20th, the courts and the Law Society issued notices that set out a process for virtual commissioning of affidavits in urgent cases where it is not possible, or is medically unsafe, for the deponent to attend physically before a commissioner. The full Notice to the Profession can be read on the Law Society's [website](#).

We have also asked government to consider taking action to suspend statutory limitation periods, and to do so retroactive to the date of declaration of the public health emergency. We are also reaching out to government and the LTSA about execution of land title documents and how to manage if appropriate COVID-19 procedures prevent real estate transactions from being completed. We are committed to doing everything in our authority to address the impacts of COVID-19 and will continue to press for further changes as necessary.

Current provincial directive

Provincial health officer Dr. Bonnie Henry has been very clear in her direction on COVID-19 that the time is now for the public to self-isolate and maintain social distance in accordance with her orders. What we do today will impact the health and perhaps the fate of British Columbians in the next weeks and months. Working remotely and social distancing of one to two meters for workers and customers in businesses and services that remain open to provide essential goods and services will save lives.

Work at home

The Law Society strongly encourages law firms and lawyers to transition to work at home protocols.

Lawyers who work remotely should take steps to ensure that all of the key information that they require is accessible and current. This includes client contact information, client files, staff and service provider contact information, banking information, and passwords for personal and staff computers and work equipment. If you are changing your business hours or where you will be working, communicate the changes to clients as soon as practicable. You must also ensure that client information is secure and remains confidential from family members and others.

Further information, including practice management checklists, are available on the Law Society's [website](#).

Meetings in law offices

In some situations, it may not be possible to avoid meeting clients or others. If you must meet a client, steps to reduce the risk of exposure to COVID-19 recommended by the BC Centre for Disease Control and others include frequent hand washing, increased environmental cleaning, maintaining one to two metres of physical or social distancing from others, and encouraging employees or others to stay at home if they are sick or at risk of serious illness.

Further information about best practices for infection control, cleaning, and maintaining public health in workplaces may be found at:

WorkSafeBC – [Staying safe at work](#) and [Resources and updates](#)

BC Centre for Disease Control – [Health information for Employers & Businesses](#) and [Infection Control](#)

Government of Canada – [COVID-19: Being Prepared](#)

Extension of Trust Report filing deadline

The Law Society would like to assist lawyers and law firms during this uncertain time by extending the Trust Report filing requirement for law firms with the period ending December 31, 2019. Firms will now have until **April 30, 2020** to submit their Trust Report.

Accommodations for Law Society application forms

The current application forms for enrolment, call and admission and reinstatement, require that the applicant make a solemn declaration before a notary public or commissioner that the information is true and that the declaration has the same force and effect as if made under oath. With recent announcements encouraging social distancing, the Law Society recognizes that accommodations must be made. As a result, until further notice the Law Society will accept application forms that have been sworn using video technology. The application should include a notation that the declaration was sworn in such a manner.

If the applicant is known to the commissioner, for example an articulated student and principal, the commissioner will not be required to obtain photo identification. In all other situations, the application must show the commissioner government-issued photo identification.

While connected via video technology, the commissioner will administer the oath, the applicant will swear or affirm the truth of the facts and the commissioner will watch the applicant sign his or her name. The applicant will then send the signed application to the commissioner electronically for the commissioner to sign.

Video technology is also permitted for administering the Barristers and Solicitors' oath. While connected via video technology, any practising lawyer can administer the oath to a candidate. Once the candidate has sworn or affirmed the oath, the practising lawyer may sign the Law Society form provided by the Law Society.

If you have any questions regarding the swearing of Law Society application forms or administering the Barristers and Solicitor's oath, please email the Member Services department at: memberinfo@lsbc.org.

Employer responsibilities in the context of COVID-19

Law firms and lawyers who employ other lawyers and staff must comply with provincial workplace legislation and regulations, including the *Occupational Health and Safety Regulation*. Under the Regulation, lawyers who are employers must take reasonable precautions to protect the health and safety of their employees.

The health minister and provincial health officer have asked employers to excuse staff for sick leave without requiring a doctor's note, if the employee is ill or required to self-isolate. In addition, law firms and lawyers should do what they can to implement:

- Remote work options where possible
- Social distancing protocols, including telephone and video conferencing as much as possible
- Enhanced cleaning of offices and workstations, particularly in areas that are touched frequently (door knobs, handles, railings, etc.)
- Access to clean, well-stocked handwashing facilities
- Offering alcohol-based hand sanitizers, where appropriate
- Providing tissues and encouraging their use.

Additional resources and guidance on workplace policies in the COVID-19 context are available at:

WorkSafeBC:

- [What employers should do](#)
- [What workers should do](#)
- [Staying safe at work](#)
- [Resources and updates](#)

BC Centre for Disease Control – [Health information for Employers & Businesses](#)

Government of Canada – [Employer Responsibilities and Employee Rights](#)

As the situation evolves, everyone should follow the latest advice and guidance of the [BC Centre for Disease Control](#) and [WorkSafeBC](#).