



PRESIDENT'S FAREWELL MESSAGE

Ron attended the University of British Columbia where he received degrees in both law and commerce in 1989. The challenges of law won him over and he began practicing civil litigation with an emphasis on personal injury. Since 1998 he has practiced exclusively for accident victims. During the course of his career Ron has appeared in all levels of Court in British Columbia. He has successfully conducted both jury and judge alone trials.

BY RON NAIRNE
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It has been an eventful year.

In 2019 the government chose to proclaim legislation that will impact British Columbians injured in any motor vehicle collision after April 1, 2019. This was an April Fool's joke of the worst kind. No injury is minor, but the government has taken matters to an Orwellian level, deeming those with concussions, PTSD, and pain syndromes among those whose injuries are presumptively "minor". To make matters worse, once ICBC designates an injury to be minor anyone wishing to challenge the decision must go to the Civil Resolution Tribunal, where decisions by appointees of the Attorney General will be made in most cases by records reviews without oral evidence. The fallout of these changes is yet to be felt. As years pass, many deemed to have minor injuries will struggle to maintain employment, school or other aspects of daily life. Ultimately, without adequate financial compensation not only will people lose their independence they will increasingly turn to the public system for support, causing more strain on an already overtaxed system.

TLABC continues to oppose the minor injury cap and CRT scheme. Within minutes of the legislation taking effect a Constitutional challenge was filed in Court. In our view the minor injury cap offends S 15 of the Charter. Replacing the Courts with the CRT transgresses S.96 of the Constitution Act. A long fight is expected but we are confident that our challenge has merit.

In February, at ICBC's urging the government enacted R 11-8 which imposed limits on both the number of experts and reports that could be used at trial. There was no advance notice, never mind consultation. The Rules Committee was given no opportunity to consider the new Rule, which left no residual discretion with the Court to allow additional experts in appropriate cases. ICBC admitted that it would realize significant savings, not just because there would be fewer experts to pay, but also because the damages it would pay would be less (because necessary and appropriate expert evidence was not being brought to Court). I was proud that TLABC agreed the Regulation needed to be challenged. Mr. Crowder, a citizen severely injured in a crash that was not his fault, agreed to bring the challenge, and TLABC intervened. The matter was argued in late July. Recently, Mr. Justice Hinkson held R.11-8 is a violation of S. 96 of the Constitution.

Mr. Eby continues to muse about switching to full no fault. He does so in the guise of threatening lawyers, but in reality the threat he poses is to the rights of British Columbians. It would leave even the most seriously hurt motor vehicle collision victims without the ability to claim fair compensation for their harms and losses while at the same time signalling to careless drivers that their negligence does not matter. ICBC would become bigger and less accountable than ever. Without the Court to oversee its decisions, grossly unfair outcomes can be expected. TLABC will continue to fight against this ill considered scheme.

On the positive front, in October access to justice was enhanced by the new agreement reached between government and the Association of Legal Aid Lawyers (ALL). The agreement ensures that additional funds will be directed to legal aid lawyers, who have not had an increase in their tariff rates in over a decade. It also establishes a framework in which the government agrees to negotiate future legal aid issues with ALL. There is still much work to be done in this area. More citizens need access to legal aid in more areas of law, including family and immigration and other areas where the Province's most at risk citizens are likely to face legal obstacles. TLABC applauds this step in the right direction.

Since its inception TLABC has become a major presence in the British Columbia legal community. It is different from the Law Society or the CBA. We advocate for our members in a way the Law Society does not and we fight for the interests of citizens in a way the CBA does not. With the ever changing legal landscape, I expect that TLABC will change as well. I look forward to those changes because by meeting the needs of its members TLABC will remain strong, essential if we are to continue to be a voice heard by government, the media and all citizens while pursuing our mission to promote the rights of individuals.

I thank the TLABC staff for the amazing energy, dedication, and hard work they have put in over an incredibly busy year. Without Shawn Mitchell and his team, very little of any importance would actually get done. As we move forwards I know that TLABC remains in excellent shape. John Rice and I have been working together on TLABC issues for many years. I have no doubt that as incoming President John will lead TLABC to new heights. V