

**Limited Liability
Partnership
Legislation
for
British Columbia**

A Brief prepared by the Canadian Bar Association (BC Branch), February 2001.

RESOLUTION TO BE CONSIDERED AT THE MEETING OF THE
PROVINCIAL COUNCIL ON SATURDAY, MARCH 10, 2001

**LIMITED LIABILITY
PARTNERSHIP
LEGISLATION
FOR
BRITISH COLUMBIA**

WHEREAS the Canadian Bar Association resolved at its mid-winter meeting in Victoria, British Columbia in March, 1998 that the Canadian Bar Association urge provincial and territorial governments to adopt legislation to permit limited liability partnerships for law firms;

BE IT RESOLVED that the Canadian Bar Association B.C. Branch authorizes the Legislation and Law Reform Committee to deliver to the Government of the Province of British Columbia its Brief on Limited Liability Partnership Legislation and to continue its efforts to urge the Government to enact legislation that will permit lawyers to form limited liability partnerships.



**The
Canadian
Bar Association
British Columbia**

MEMO

To: All Provincial Council Members

Fax:

cc:

Pages:

From: Carman Overholt

Date: *February 9, 2001*

Re: Limited Liability Partnership Legislation

I have attached a Brief that has been prepared by the Branch in connection with proposed limited liability partnership legislation for British Columbia. The provinces of Ontario and Alberta have recently passed legislation permitting limited liability partnerships. Most of the American states have such legislation. This legislation would protect our members from liability for the negligent acts of partners.

At the same time, the Branch is reviewing the nature of the insurance coverage available to British Columbia lawyers to ensure that it is adequate to meet the needs of our members. If you have any comments with respect to the proposed limited liability partnership legislation and/or insurance matters, please direct them to me.

Would you kindly review the Brief and provide me with your comments regarding its contents either at the Council meeting on March 10, 2001 or deliver your comments and/or suggestions to me at the following address:

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If you have any questions regarding the brief, I would be pleased to answer them at the Council meeting.


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Section One

Introduction

By resolution passed at the Canadian Bar Association (“CBA”) at the Mid-Winter Meeting of the Canadian Bar Association in Victoria, British Columbia on March 6-8, 1999, the CBA resolved that provincial governments should pass the necessary legislation to permit limited liability partnerships. This resolution was passed after research and analysis was conducted into the development of partnership law reorganizing the trend towards enactment of legislation permitting limited liability partnerships.

A committee of the CBA BC Branch, chaired by William McAllister, Q.C. prepared a report that was presented and accepted by the Provincial Council of the Canadian Bar Association (BC Branch) on April 17, 1999.

In September 2000, a sub-committee of the Legislation and Law Reform Committee of the CBA BC Branch was struck for the following purposes:

1. To liaise with other professional bodies to obtain their support for a submission to the Provincial government to propose the introduction of limited liability partnership legislation in the province of British Columbia.
2. To consider a range of legal issues raised by the introduction of such legislation.
3. To consider the legislation introduced in other jurisdictions and to consider the nature of the legislation to be proposed in British Columbia.
4. To draft appropriate legislation to introduce in British Columbia.
5. To propose to the Government the introduction of limited liability partnership legislation in British Columbia.

This Brief includes some of the relevant materials that have been collected by the Committee in the course of its work. If you have any questions regarding this Brief, please call a member of the Committee. The members of the Committee are listed in alphabetical order as follows:

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