



SUBJECT	BEVERLEY MCLACHLIN LEGAL ACCESS AWARD ENDOWMENT VARIATION
MEETING DATE	JUNE 13, 2019

Forwarded on the Recommendation of the President

APPROVED FOR SUBMISSION

Santa J. Ono, President and Vice-Chancellor

DECISION REQUESTED	<p>IT IS HEREBY REQUESTED that <i>the Finance Committee approve, as recommended by the President and University Counsel:</i></p> <ul style="list-style-type: none"> <i>i. variation of the terms of the Beverley McLachlin Legal Access Award Endowment Fund (the "Fund");</i> <i>ii. update of the name of the Fund; and,</i> <i>iii. amended Terms of Reference for the Fund</i>
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Report Date	May 13, 2019
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Presented By Hubert Lai, Q.C., University Counsel

EXECUTIVE SUMMARY

The Dean of the Peter A. Allard School of Law, with the support of the Law Foundation of British Columbia (the "Law Foundation") and The Right Honourable Beverley McLachlin, requests that the Board of Governors approve an amendment to the Terms of Reference for the Beverley McLachlin Legal Access Award Endowment Fund (the "Fund") to broaden the eligibility criteria of potential award recipients to include J.D. students who have accepted summer positions in underserved and/or rural communities in British Columbia or in the area of public interest/social justice law in British Columbia; and to update the name of the Fund to "The Right Honourable Beverley McLachlin Legal Access Award Endowment Fund" to reflect Beverley McLachlin's past tenure as Chief Justice of Canada.

Attachments

- Proposed amended blackline Terms of Reference

STRATEGIC CORE AREAS SUPPORTED

People and Places Research Excellence Transformative Learning Local / Global Engagement

DESCRIPTION & RATIONALE **BACKGROUND:**

In 2011, the Beverley McLachlin Legal Access Award was established with a lead gift from the Law Foundation as well as gifts from the Allard School of Law and members of the BC Bar to honour the Supreme Court of Canada's Chief Justice Beverley

McLachlin, a former faculty member of the law school. The awards are given to J.D. students who are completing third year and have accepted articling positions in underserved and/or rural communities in British Columbia or in the area of public interest/social justice law in British Columbia.

The fund currently has a market value of \$908,200 and provides annual awards totalling \$36,000 per year in accordance with the current spending rate under the University's Endowment Management Policy, Policy #113. The award is typically split between three or four recipients who receive on average \$6,500 each with a range of \$1,000 to \$12,000 being awarded.

The law school is having difficulty identifying candidates who meet the current criteria for and intent of the award. The award was created to offset the financial burden of students who may choose to accept positions in public interest/social justice law that pay less than positions in large law firms. However, most applicants tend now to be in the underserved and/or rural community category working in underserved urban centres outside of Vancouver and earning competitive salaries.

In order to attract a stronger and more competitive candidate pool for the award, the law school would like to broaden the purpose to include J.D. students who secure summer positions in underserved and/or rural communities in British Columbia or in the area of public interest/social justice law in British Columbia. This would allow smaller firms or public interest law firms that may not have the funds to compensate an articling student to consider employing a student over the summer, and would enable students to consider this type of summer employment which may also encourage the student to pursue, or the firm to create, an articling position in this area.

APPROVAL REQUESTED:

The Dean of the Peter A. Allard School of Law requests that the Terms of Reference for the Fund be broadened to include J.D. students who have accepted summer positions in underserved and/or rural communities in British Columbia or in the area of public interest/social justice law in British Columbia; and therefore students who have accepted either articling positions or summer positions in these areas would be eligible.

The Dean also requests that the Board approve an amendment to the name of the Fund to "The Right Honourable Beverley McLachlin Legal Access Award Endowment Fund" to reflect Beverley McLachlin's past tenure as Chief Justice of Canada.

The law school has consulted with Beverley McLachlin and the Executive Director of the Law Foundation, and both are supportive of these requests.

The Office of University Counsel supports these requests.

LEGAL AUTHORITY:

The Board's authority to vary the terms of the Fund is found in section 7 of the Terms of Reference, which provides that:

“Although uncommon, circumstances may arise where it is prudent for the Terms of Reference to be changed due to donor wishes or other circumstances where flexibility may be required. Therefore, the University may vary the terms of these Terms of Reference but only if that variation is recommended by the President to the Board of Governors and is approved by the Board of Governors. So long as the Law Foundation is continued as a corporation with the name “Law Foundation of British Columbia” pursuant to subsection 58(1) of the *Legal Profession Act*, the University will use reasonable efforts to seek the advice of the individual holding the title of “Executive Director” of the Law Foundation of British Columbia personally regarding any variation of these Terms of Reference or encroachment on the capital of the endowment.”

THE UNIVERSITY OF BRITISH COLUMBIA

The Right Honourable Beverley McLachlin Legal Access Award ENDOWMENT
FUND

TERMS OF REFERENCE

Amended and Restated as at 2019

(Varies the original Terms of Reference for the Beverley McLachlin Legal Access Award Endowment Fund approved Jun 8, 2011)

1. Name of Fund

The endowment fund (the “**Fund**”) described by these Terms of Reference will be known as ~~the~~ The Right Honourable Beverley McLachlin Legal Access Award Endowment Fund.

2. Purpose of the Fund

The purpose of the fund is to support students ~~completing third year that in the J.D. program~~ who have accepted summer or articling positions in underserved and/or rural communities in British Columbia, or in the ~~arena~~ area of public interest/social justice in British Columbia at The University of British Columbia (the “**University**”) and generally to advance the charitable goals of the University (the “**Purpose**”).

3. Use of the Fund

The University will use and manage the Fund in accordance with its Endowment Management Policy and its associated procedures, as amended from time to time, (the “**Policy**”) in support of the Purpose. Without limited the generality of the foregoing, the University will:

- a. attribute to the Fund a spending budget each year (the “**Annual Spending Budget**”) based on the spending rate set out in the Policy;
- b. use some or all of the Annual Spending Budget to support the Purpose, or as the University may from time to time decide.

4. Investment of the Fund

Without restricting the manner in which the University may manage the capital of the Fund in the future and until the University decides otherwise, the University will invest the Fund in accordance with the University’s policies, including without limitation the Policy, as they may be amended from time to time.

5. Additional Contributions

The University may accept further contributions, from any source, whether by gift, Will or otherwise, or may otherwise add to the Fund, provided that the terms and conditions of any donation or addition to the Fund conform to the terms and conditions of these Terms of Reference.

6. University Policy

Decisions on any matters relating to the use of the Fund in accordance with the Purpose and decisions on the administration, financial and otherwise, of the Fund will be made in accordance with these Terms of Reference and the policies of the University, including but not limited to the Policy, as they may be amended from time to time. Without limiting the generality of the foregoing, the University may encroach on the capital of the Fund in accordance with the Policy.

7. Variation of Terms

Although uncommon, circumstances may arise where it is prudent for the Terms of Reference to be changed due to donor wishes or other circumstances where flexibility may be required. Therefore, the University may vary the terms of these Terms of Reference but only if that variation is recommended by the President to the Board of Governors and is approved by the Board of Governors. So long as the Law Foundation is continued as a corporation with the name "Law Foundation of British Columbia" pursuant to subsection 58(1) of the *Legal Profession Act*, the University will use reasonable efforts to seek the advice of the individual holding the title of "Executive Director" of the Law Foundation of British Columbia personally regarding any variation of these Terms of Reference or encroachment on the capital of the endowment.

The University has executed these [amended](#) Terms of Reference on the date appearing below.

The University of British Columbia
by its Authorized Signatory:

Santa J. Ono
President and Vice- Chancellor

Date

Approved as to form by the Office of
the University Counsel

Date: _____

~~The undersigned donor acknowledges that he or she has had an opportunity to review these Terms of Reference and that there are no terms governing the University's use of the Fund other than as expressly set out in these Terms of Reference.~~

Signature

Printed Name

Date