

Summary of Mischaracterizations of The BC Wrongful Death Law Reform Society and the Wrongful Death Accountability Act Identified in Government Records

Prepared by the BC Wrongful Death Law Reform Society (“In Their Name”)

July 2026 — based on review of FOI disclosures MAG-2023-32966 (Ministry of Attorney General), HTH-2023-33193 (Ministry of Health), FIN-2024-40186 (Ministry of Finance), and the Premier’s Office FOI response

Purpose of This Appendix

The BC Wrongful Death Law Reform Society (the “Society”) requested, through the Freedom of Information and Protection of Privacy Act (FOIPPA), the internal records four provincial ministries hold about the Society and about its proposed Wrongful Death Accountability Act (WDAA). This appendix reviews what was disclosed. The disclosed records contain specific, sourced statements about who the Society is, who established it, and who wrote its proposed legislation — and a number of those statements are inaccurate.

This appendix sets out each inaccuracy identified, the government record it comes from, and the evidence that contradicts it. It is submitted so that the Commissioner has, in the government’s own words, a record of how the Society and its advocacy have been characterized internally, together with the evidence needed to assess the accuracy of those characterizations.

Scope and Sources

We reviewed the full text of all four disclosed FOI packages (Premier’s Office, Ministry of Attorney General [MAG], Ministry of Health [HTH], and Ministry of Finance [FIN]). The large majority of the Premier’s Office package, and substantial portions of the other three, were withheld under FOIPPA sections 12, 13, 14, 16, 17, 19, and 22 (Cabinet confidence, policy advice, solicitor-client privilege, personal information, and other exceptions), so this review is necessarily limited to what remains visible on the record. No comparable statements about the Society were located in the FIN disclosure.

Alongside the FOI records, we draw on our own contemporaneous public record — correspondence we sent to government at the time, and articles we published — to show what evidence was actually in front of government when these internal characterizations were written. Full citations and links are collected in “The Evidence Behind This Document” at the end.

Part A — Ministry of Attorney General Records (MAG-2023-32966)

A.1 Inaccurate description of the Society as having been “formed” by TLABC and CANF

A Cabinet-confidence backgrounder dated June 2, 2020 states that the Trial Lawyers Association of BC (TLABC) and the Coalition Against No-Fault Insurance (CANF) created the Society, rather than the Society having an independent, family-led origin:

More recently, over the last several years the TLABC and CANF joined together to form the BC Wrongful Death Law Reform Society (Society). The Society continues to lobby government for far-reaching reforms to the Act.

— MAG-2023-32966, p. 195 (backgrounder dated June 2, 2020)

A related, more frequently repeated formulation across several MAG briefing notes (2017–2022 versions) describes the Society only as “affiliated with TLABC and CANF,” for example:

the Wrongful Death Law Reform Society of BC (also known as “In Their Name,” and is affiliated with TLABC and CANF...)

— MAG-2023-32966, e.g. pp. 44, 132 (recurring text across estimates/backgrounder notes)

The facts: The Society (and its predecessor bodies — the Coalition for People with Disabilities and the Wrongful Death Law Reform Working Group) is a volunteer, family-led organization with a history predating its relationship with TLABC by decades. It was not “formed” by TLABC and CANF. TLABC and CANF are allied stakeholders who share some policy goals with the Society; they did not create it, direct it, or draft its legislation.

This is not a new position we are taking for this document. We said the same thing publicly, in real time, in a July 16, 2020 letter to every sitting BC NDP MLA: “*We’ve also come to learn that members of the BC NDP have also lied about our Wrongful Death Law Reform Society, saying that we are merely a front group for the Trial Lawyers Association... We have little to no contact, or coordination with the TLABC.*”

— Letter Sent to the BC NDP MLAs Regarding the No-Fault Fraud, July 16, 2020

A.2 Attribution of the Wrongful Death Accountability Act to TLABC

A comparative appendix included in the same MAG disclosure, titled “Summary of Canadian Jurisdictions with TLABC Proposal,” places a column for the proposed WDAA directly under the header “Trial Lawyers Association of BC”:

APPENDIX – SUMMARY OF CANADIAN JURISDICTIONS with TLABC PROPOSAL ... Trial Lawyers Association of BC ... Wrongful Death Accountability Act (proposed)

— MAG-2023-32966, pp. 97–98 (appendix accompanying a January 29, 2021 decision note prepared for then-Attorney General David Eby)

The facts: The WDAA was drafted by the Society, in collaboration with a team of constitutional law students and volunteer senior trial lawyers acting in an advisory capacity, with input from dozens of affected families. TLABC did not author it. Labelling the government’s own comparative table with TLABC’s name as the source of this legislation misattributes authorship and does not reflect the family-led drafting process behind it.

A.3 Mischaracterization of the WDAA as “a compilation of different US state laws”

The same backgrounder states, in describing what it calls “the TLABC’s preferred option”:

Most recently the proposal has been to adopt a far-reaching approach based on a compilation of different US state laws, with a focus on the loss to the deceased’s estate.

— MAG-2023-32966, e.g. p. 44 (recurring across several versions of this backgrounder, 2017–2022)

Because the same document’s appendix (see A.2 above) places the WDAA under the “TLABC Proposal” heading, this US-law characterization is effectively transferred onto the WDAA by association, even though it is nowhere stated to apply to the WDAA specifically.

The facts: The WDAA was drafted using existing legislative precedents from other Canadian provinces and territories (surveyed in the same appendix table), not US state law. No US statutes were consulted or relied upon in drafting the WDAA.

A.4 Inaccurate characterization of the Society as having “support from” the Canadian Bar Association, BC Branch

Two versions of the same MAG stakeholder-list backgrounder describe the Society this way:

This group is led by families who could not obtain compensation following the death of a loved one; with support from the Canadian Bar Association, BC Branch. It is also affiliated with TLABC and CANF.

— MAG-2023-32966, p. 133 and p. 143 (recurring backgrounder text)

The facts: The Society has not received support or endorsement from the Canadian Bar Association, BC Branch (CBABC). On occasion, CBABC has sought the Society’s advisement on the wrongful-death issue — that is advisement flowing from the Society to CBABC, not support flowing from CBABC to the Society. CBABC has separately, and independently, advocated in its own 2012, 2013, 2014, and 2017 platform submissions for capped bereavement damages under the Family Compensation Act — a position of its own, on the broader policy question, that is correctly described elsewhere in the same MAG disclosure (see, e.g., p. 44) without the inaccurate “support” framing. Presenting CBABC as a backer of the Society specifically is not supported by anything in the record we have seen.

A.5 Dismissal of the criticism of Enhanced Care as “unsupported”

Describing criticism of the Enhanced Care no-fault model, a MAG note states:

The Enhanced Care model has been criticized by some advocacy groups (in particular, the Trial Lawyers Association of BC) as callous, unresponsive to families’ desires for accountability, and lacking a critical punitive element... However, no evidence was provided to support the latter claims and, overall, Enhanced Care has received widespread public support, including from health care practitioner and disability advocate organizations who were heavily consulted throughout its design.

— MAG-2023-32966, p. 142–143 (undated FCA policy note)

The facts: “No evidence was provided” is not accurate, at least as it concerns our Society. On March 9, 2020 — more than a year before Enhanced Care came into force — we wrote directly to then-Attorney General David Eby, laying out a detailed, data-supported case against the no-fault proposal: ICBC’s financial history under prior road-safety strategies, the deterrent function of the tort system, and comparative UK and Canadian road-safety and fatality data. We followed that with published analysis using specific case examples (including a full worked comparison of the compensation a real BC family would have received under the tort system versus under Enhanced Care) and comparative damages data drawn from other provinces’ case law.

The claim that criticism of no-fault insurance lacks broad support also sits uneasily next to the historical record. When a broadly similar no-fault proposal was fought in 1996–97, a coalition of at least 207 non-profit organizations publicly opposed it — not primarily trial lawyers, but disability, seniors’, women’s, and health organizations including the BC Coalition of People with Disabilities, the BC Nurses’ Union, the Alzheimer Society of BC, the Canadian Mental Health Association (BC Division), and the BC Association for Community Living, among many others. That government dropped the 1996 proposal as a result.

We cannot speak to who, specifically, was consulted during Enhanced Care’s internal 2020–21 design process — that is not something we have visibility into. But the broader suggestion that opposition to no-fault insurance in BC is fringe, or unsupported by evidence, is contradicted by both our own documented

submissions to government and by decades of organized, broad-based non-profit opposition to no-fault schemes in this province.

Part B — Ministry of Health Records (HTH-2023-33193)

B.1 Omission from the named stakeholder-engagement list

An external engagement plan describes a detailed, named list of stakeholder groups for consultation on wrongful-death-related reform, organized by sector — Disability Community, Community Organizations, Counsellors and Psychologists, Funeral and Burial Sector, and Insurance and Legal Community — each with specific named organizations (e.g., BC Coalition of People with Disabilities, Mothers Against Drunk Driving, Funeral Services Association of BC, Trial Lawyers Association of BC, Coalition Against No-Fault in BC). The Society is not named anywhere in this specific list; the only reference to affected families is generic:

An external engagement plan has been developed which includes public consultation and engagement with stakeholders, including affected families, community organizations and the legal community.

— HTH-2023-33193, pp. 189–190 (Confidential Advice to Cabinet)

The facts: The Society is the organized, named advocacy body representing affected families on this specific issue — and is named individually elsewhere in the MAG disclosure. Its omission from a detailed, named stakeholder list, while smaller or more tangential organizations are named individually, is inconsistent with how the Society is treated in other ministries’ records.

Part C — What the Records Get Right

Not everything in the disclosed record is adverse. One MAG communication draft acknowledges a direct relationship between the Society and government at the ministerial level, which is useful context alongside the corrections above:

I understand Premier Eby met with the BC Wrongful Death Law Reform Society during his time as Attorney General, and I would welcome the opportunity to meet with the Society again in the course of our stakeholder engagement process.

— MAG-2023-32966, p. 230 (draft ministerial correspondence)

The Evidence Behind This Document

Sources cited above, for anyone who wants to verify them directly:

- **Government records (obtained under FOIPPA):** MAG-2023-32966 (Ministry of Attorney General); HTH-2023-33193 (Ministry of Health); FIN-2024-40186 (Ministry of Finance); Premier’s Office FOI response.
- **Letter to Attorney General David Eby, March 9, 2020** — “RE: BC Wrongful Death Law Reform Society’s Position on No-Fault,” signed by Michael-James Pennie, President, BC Wrongful Death Law Reform Society.
- **“No-Fault May be the Most Discriminatory Piece of Legislation Ever Proposed in BC... And it’s Back Again!”** — In Their Name, May 2, 2020 (documents the 1996–97, 207-organization coalition against no-fault).

- “How ICBC No-Fault Fails British Columbians in Cases of Wrongful Death and Continues to Allow Wrongdoers to Escape Accountability” — In Their Name, January 30, 2021 (comparative case analysis).
- “Letter Sent to the BC NDP MLAs Regarding the No-Fault Fraud” — In Their Name, July 16, 2020.

Corrections Sought

- That MAG correct its internal backgrounders to reflect the Society’s independent, family-led origin rather than describing it as having been “formed” by TLABC and CANF.
- That the appendix comparison table be re-labelled so the WDAA is attributed to the Society (with TLABC named only as a supporting/advisory stakeholder), not filed under a “TLABC Proposal” heading.
- Written clarification from MAG on whether it considers the WDAA to be modelled on US law, and if so, the basis for that conclusion — the Society’s drafting record shows exclusive reliance on Canadian provincial and territorial precedents.
- That MAG correct the record to remove the claim that the Society has “support from” CBABC, and substantiate or retract the “no evidence was provided” characterization in A.5, given the documented record above.
- That the Ministry of Health confirm the Society will be named directly — not merely folded into “affected families” — in any current or future external engagement plan.
- That the Commissioner take the corrections identified in this appendix into account in the course of the current inquiry, and that each ministry named above be asked to respond to them within a reasonable time.

Limitations of This Review

Because the majority of all four FOI packages remains redacted (primarily under FOIPPA ss. 12 and 13 — Cabinet confidence and policy advice), it is likely that additional relevant statements exist in material not yet disclosed to the Society. The corrections above are limited strictly to what is visible in the current disclosures and should not be read as an exhaustive account of how the Society or the WDAA have been characterized internally by government.