COURT OF APPEAL FOR BRITISH COLUMBIA

FORM 4

NOTICE OF APPLICATION *(RULES 13(a), 18(4), 20(3) and (4), 54(a), 58(1), 59(1), 60(2), 61(2), 63(2))*

VANCOUVER
12-Aug-26
COURT OF APPEAL REGISTRY

Court of Appeal File No. CA51536 / CA51535

The file number can be found on the upper right corner of the Notice of Appeal.

PARTIES TO THE APPEAL

Appellant(s)
List the name(s) of the appellant(s) named on Form 1: Notice of Appeal.

LAW SOCIETY OF BRITISH COLUMBIA, TRIAL LAWYERS ASSOCIATION OF BRITISH COLUMBIA, and KEVIN WESTELL

Respondent(s)
List the name(s) of the respondent(s) named on Form 1: Notice of Appeal.

HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, ATTORNEY GENERAL OF BRITISH COLUMBIA, and LIEUTENANT GOVERNOR IN COUNCIL OF BRITISH COLUMBIA

This application is in the jurisdiction of:

☐ The Court (3 Justices) ☒ A Chambers Justice ☐ The Registrar

To the person(s) filing the application (the *applicant*):

If your application is before a chambers justice, check the **available chambers dates** on the court website and the timelines for bringing your application under the rules.

If your application is before the court or the registrar, contact the appropriate scheduler before completing this form.

Communicate with the other person(s) to ensure they are available on the requested date. Chambers applications are to be no more than 30 minutes.

Name(s) of person(s) bringing the application

Mr. Kevin A. McLean (BA, JD, CIM)

Name(s) of responding person(s) to be served with the application

The above parties and any other interveners, interested persons and/or persons entitled to service (known or unknown at this time)

Location where the application will be heard
Enter the address of the courthouse.

800 Smithe Street
Vancouver, BC
V6Z 2E1

Date the application will be heard

10/09/2026

DD/MM/YYYY

Chambers applications begin at 9:30 a.m.

The applicant anticipates that this application will be…
Check only one.

☒ Contested ☐ Uncontested

Enter the section(s) or rule(s) that you are relying on for your application
E.g., If you are applying for leave to appeal, enter "Section 31 of the Court of Appeal Act." *If you are applying for a stay of proceedings, enter "Section 33 of the* Court of Appeal Act."

Court of Appeal Act, S.B.C. 2021, c. 6, sections 1, 2, 20, 21, 24-26, 28-29, 30, 32, 35, 44-46,

Court of Appeal Rules, B.C. Reg. 120/2022, Rules 1, 4, 18, 36, 38-40, 41, 42, 52-61, 62-75

Law and Equity Act, R.S.B.C. 1996, c. 253, Section 8.

Enter the order(s) that you are seeking
E.g., "stay of proceedings" or "extension of time to file an appeal book" and any request with respect to costs. If you are seeking leave to appeal, enter "leave to appeal the order of_____."

Part 1 Orders: COAA, s. 32 and COR, s. 41, precautionary and pre-emptive relief

Order #1: An Order abridging or extending the time for filing and service of any documents relevant to this Form 4 and validating the filing and service of such documents and materials *nunc pro tunc*.

Order #2: An Order dispensing with any requirements under the Court of Appeal Act and/or the Court of Appeal Rules and validating the same prior to, during and/or after the hearing of the Applicant's NOA to intervene, and if leave is granted, an Order dispensing with any requirements under the aforementioned statute and regulation so that the Applicant's relief is heard as proposed.

Part 2 Orders: Relief to Intervene as a Party

Order #3: An Order granting leave to Mr. Kevin A. McLean (BA, JD, CIM) to intervene as a Party in the Appeals herein and all consequential relief flowing from the granting of such an Order;

Part 3 Orders: RELIEF RELATING TO THE APPLICANT'S PROPOSED RELIEF, IF INTERVENTION STATUS IS GRANTED, IN RELATION TO DISMISSAL AND/OR QUASHING

Order #4: An Order that the substantive relief sought below be heard on the same day as the Notice of Application to intervene (the "Intervention Application" or "NOA Intervention"), in the interests of justice and judicial economy. In the alternative, an Order that the substantive relief infra be heard within one week of the hearing of any and all notices of applications to intervene on September 2,

2026, and that it be heard in writing, or in the alternative in a hybrid format and/or orally;

Order #5: An Order that the Applicant's written argument of ten pages, provided to the Appellants and Respondents on August 10, 2026, stand as his written argument in relation to Section 21 of the *COAA* and Rule 60 of the *Court of Appeal Rules*, and that it also stand as his request to the Registrar of the BCCA and/or a Judge of the BCCA that the Appeals be referred for summary determination pursuant to section 21 of the *COAA*;

Order #6: The following Declarations:

A. a Declaration that the LSBC admitted in November 2022 in its response to the AGBC's Intentions Paper:

   i. **That an independent bar requires that lawyers constitute the majority of any regulatory board governing lawyers.** *(Intentions Paper Response, pp. 2–3)*

   ii. **That a majority of lawyers on the regulator's board is essential to self-regulation.** *(ibid.)*

   iii. **That "a majority of any board that governs lawyers must themselves be lawyers in order to preserve and protect the independence of the bar."** *(ibid., p. 3)*

   iv. **That "an independent profession requires that a majority of the board that governs lawyers are themselves lawyers."** *(ibid., p. 4)*

B. a Declaration that the LSBC publicly affirmed and reaffirmed on June 8, 2023, by way of the AGM second notice document: **"Chiefly, we have repeatedly asserted to government that lawyers must form a majority of the regulator's board. We consider such governance structure to be essential to maintaining an independent bar and an independent regulator."**

C. A Declaration that the LSBC's Notice of Civil Claim (para. 36) inaccurately paraphrased its own prior admission. The correct admission — binding upon the LSBC — was: **"Self-regulation of the legal profession requires that a majority of the board that governs lawyers are themselves lawyers, and a majority of the lawyer directors are elected."** *(Intentions Paper Response, p. 5)*

D. A Declaration that Bill 21 **provides exactly what the LSBC admitted was constitutionally required for an independent bar: 9 of 17 directors are lawyers (a lawyer majority)**; and **5 of those 9 are elected (a majority of lawyer directors elected); and**

E. Declarations that the LSBC: did **not** retract or amend any of these admissions; repeated the underlying document subject to the admissions in its May 2024 NOCC; is **bound** by them

under the law of admissions; and therefore **has no remaining justiciable issue** in its Appeal, given The Honourable Chief Justice Skolrood's finding that independence of the bar is an unwritten constitutional principle.

Order #7: An Order that the Law Society of British Columbia (the "LSBC") be denied standing and/or the right to be heard based upon fraud, bad faith, dishonesty and/or perjury in previous proceedings before the BCCA, and/or fraud by omission in the proceedings before the British Columbia Supreme Court (specifically, one interim hearing before The Honourable Madam Justice Gropper and two hearings (one interlocutory and one resulting in a final decision) before The Honourable Chief Justice Skolrood.

Order #8: An Order dismissing the Appeal of the LSBC on a summary basis pursuant to section 21 of the *Court of Appeal Act* and/or an Order quashing its Appeal section 60 of the *Court of Appeal Rules* and/or the inherent jurisdiction of the Court.

Order #9: An Order dismissing the Appeal of the TLABC on a summary basis pursuant to section 21 of the *Court of Appeal Act* and/or an Order quashing the same pursuant section 60 of the BC Court of Appeal Rules and/or the inherent jurisdiction of the Court; and

Order #10: Such other relief that this Honourable BC Court of Appeal deems just and equitable.

Is an application book required?
See Rule 13 for leave applications and Division 2 of Part 9 of the Rules for other applications.

☐ Yes ☒ No

If you are not required to file an application book, list the affidavit(s) in support of this application
Enter the name of each person whose affidavit is being filed and the date each affidavit was sworn.

The Applicant may rely on the following affidavits (if necessary or applicable) which were pre-proceeding affidavits:

a. Affidavit #3 of Mr. Kevin A. McLean (BA, JD, CIM) sworn on October 9, 2021;

b. Affidavit #4, sworn on October 24, 2021: Receipt of letter from NST LLP on October 25, 2021 with Unrequested Improper Decoded Record via hyperlink from NST (not LSBC) account with Sharefile and Citrix located and accessed outside of Canada;

c. Affidavit #5 of Mr. Kevin A. McLean (BA, JD, CIM) sworn on October 24, 2021;

d. Affidavit #6 of Mr. Kevin A. McLean (BA, JD, CIM) sworn on November 7, 2021;

e. Affidavit #7 of Mr. Kevin A. McLean (BA, JD, CIM) sworn on November 7, 2021;

f. Affidavit #8 of Mr. Kevin A. McLean (BA, JD, CIM) sworn on November 7, 2021;

g. Affidavit #9 of Mr. Kevin A. McLean (BA, JD, CIM) sworn on December 8, 2021;

h. Affidavit #10 of Mr. Kevin A. McLean (BA, JD, CIM) sworn on December 8, 2021;

i. Affidavit #11 of Mr. Kevin A. McLean (BA, JD, CIM) sworn on January 24, 2022;

j. Affidavit #12 of Mr. Kevin A. McLean (BA, JD, CIM) sworn on February 13, 2022;

k. Affidavit #13 of Mr. Kevin A. McLean (BA, JD, CIM) sworn on February 13, 2022;

l. Affidavit #14 of Mr. Kevin A. McLean (BA, JD, CIM) sworn on February 13, 2022;

m. Affidavit #15 of Mr. Kevin A. McLean (BA, JD, CIM) sworn on February 13, 2022; and

n. Such other affidavit material that demonstrates the Applicant

courtesy notices to the Appellant and Respondents.

Email address(es) for service of applicant(s)
If you provide an email address, you consent to have documents served on you by email.

mclean@searchandseizure.ca

Date form completed

12/08/2026

DD/MM/YYYY

Name of lawyer or applicant authorizing filing of this form

Mr. Kevin A. McLean