



July 30, 2021

Sent via E-mail

Jeremy Maddock

Email: jeremymaddock@hotmail.com

Dear Mr. Maddock:

Donald J. Avison, QC
Executive Director/Chief Executive Officer

RE: Innovation Proposals – AP20210005 and AP20210006

Thank you for your proposals to participate in the Law Society of British Columbia's ("LSBC") Innovation Sandbox.

Through the Innovation Sandbox, LSBC is seeking to expand access to legal services by enabling innovative solutions that address areas of unmet legal need but which would otherwise contravene the *Legal Profession Act*, the Law Society Rules or the Code of Professional Conduct.

The LSBC Executive Committee has reviewed your proposals to provide services and has agreed to issue to you this "no action" letter.

1. Services

AP20210005

You propose to offer the following services:

- 1.1 Research and writing services as a home-based contract employee, under the supervision of practicing lawyers, such services to include:
 - a) Conducting legal research;
 - b) Reviewing and summarizing disclosure;

- c) Drafting pleadings;
- d) Drafting legal arguments; and
- e) Submitting any documents prepared by you for the review and approval of the supervising lawyer.

AP20210006

- 1.2 You propose to offer the following services to motor vehicle violation ticket disputants:
 - a) Reviewing violation tickets;
 - b) Providing information about the dispute process;
 - c) Obtaining disclosure from ticketing officers;
 - d) Negotiating possible resolution with ticketing officers; and
 - e) Drafting legal arguments.

2. No Action

Based on your proposals (copies attached) and any additional information you provided or LSBC obtained in relation to your proposals, LSBC will not initiate action to prevent you from providing the Services (“no-action”) provided the following conditions are met:

- 2.1 The information you have provided in support of your proposals is accurate and complete in all respects.
- 2.2 Only you provide the Services.
- 2.3 Your provision of the Services does not present a risk of harm to the public or undermine the integrity of the administration of justice.
- 2.4 You provide information to LSBC regarding your provision of the Services on the first business day of each month in the approved form and more frequently if requested. We are in the process of developing a form for reporting, which will be accessible on the LSBC website. Once it is operational, you will be provided with the link to the form.

- 2.5 You include the following disclosure on any website, social media and other mediums you use to promote the Services and you provide this disclosure in written form to each client prior to commencing any engagement:

My services to you are not provided by a lawyer regulated by the Law Society of British Columbia. As a result:

(a) I could be required to disclose to third parties your communications with me and any documents you provide in relation to my advice and assistance as such communications will not be subject to solicitor-client privilege;

(b) I am not required to have professional liability insurance, and do not carry professional liability insurance (In the event that you do carry professional liability insurance, the disclosure of this clause is not required);

(c) There is no statutory complaint process in relation to the services that I provide; and

(d) The Law Society of British Columbia has not evaluated or verified my competence, character, and/or fitness to provide the services.

For more information about the Law Society's innovation sandbox visit <https://www.lawsociety.bc.ca/our-initiatives/innovation-sandbox/>.

- 2.6 You are expected to deliver the Services in a manner consistent with our expectations of lawyers under the *Legal Profession Act*, the LSBC Rules and the LSBC *Code of Professional Conduct* to the extent they are applicable.
- 2.7 You consent to the disclosure by the Law Society of your personal information, including your name and the scope of Services which you may provide, this no-action letter, and the modification or rescission of the no-action letter, generally on its website and in response to inquiries from the public or regulatory bodies and for the purpose of informing the public about you and the Services you may provide in conjunction with your participation in the Innovation Sandbox.
- 2.8 You cooperate fully with any investigation into any complaint LSBC receives about the Services and/or your conduct in relation to the provision of the Services and you respond promptly to requests from the LSBC for any information and/or documents in relation to the provision of Services.
- 2.9 You indemnify and save harmless LSBC, its Benchers, officers, agents and employees from all claims, demands, losses, damages, costs, fines, penalties and expenses that LSBC, its Benchers, officers, agents or employees may sustain, incur, suffer, or be put to at any time, either before or after this

Agreement ends, which are based upon, arise out of or occur, directly or indirectly, by reason of any act or omission in your provision of the Services.

- 2.10 You do not assert, imply or otherwise suggest in any way that the no-action letter is an approval, endorsement or certification of the quality of your Services or of your qualifications, competence or fitness to provide the Services.

3. Rescission

The Law Society may rescind this no-action letter at any time on written notice if

- 3.1 You fail to meet any of the conditions set out in Part 2 of this letter.
- 3.2 You provide services beyond the scope of your proposals that constitute the practice of law as defined in the *Legal Profession Act*.
- 3.3 You engage in, or propose to engage in, conduct in relation to the provision of the Services that presents a risk of harm to the public or undermines the integrity of the administration of justice.
- 3.4 Material information that you failed to disclose comes to our attention or misinformation is discovered.

4. Acknowledgement

By acceptance of this letter, you acknowledge that:

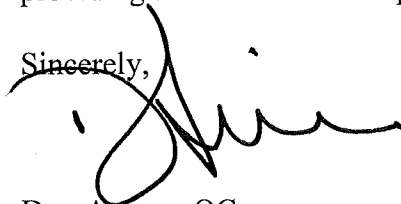
- 4.1 This no-action letter is not an endorsement of the quality of the Services you provide or of your qualifications, competence or fitness to provide the Services.
- 4.2 Nothing in this no-action letter makes you a member of LSBC.
- 4.3 The issuance of this no-action letter is not an agreement on the part of LSBC, its Benchers, officers, agents and employees, to insure or indemnify you or your clients for any claims, demands, losses, damages, costs, fines, penalties and/or expenses that may arise in relation to your Services and you will remain solely responsible.
- 4.4 This no-action letter will take effect from the date of this letter and remain in effect until LSBC provides written notice of modification or rescission or

otherwise determines that other regulatory measures are appropriate in relation to the Services.

- 4.5 If the LSBC determines that some or all of your Services require a licence, you agree to submit an application in that licensing process if you wish to continue providing the Services.

Thank you again for your proposals and we trust that you will be successful in providing the Services to the public.

Sincerely,

A handwritten signature in black ink, appearing to read 'Don Avison', written over the word 'Sincerely,'.

Don Avison, QC
CEO/Executive Director

Legal Services Innovation Sandbox Proposal

Submission date: 2021-01-26 at 8:33 PM

File No. AP20210005

Name: Jeremy Maddock
Title:
Company:
Address: 2536 Forbes Street
Victoria, British Columbia Canada
Phone: 250-592-9210
Email: jeremymaddock@hotmail.com
Accredited? Yes – As a temporary articulated student in British Columbia in 2014 and 2015.
Insured? –

Please tell us about the legal service you intend to provide.

I propose to provide research and writing services as a home-based contract employee, under the supervision of practicing lawyers. The scope of my work would include factual and legal research, review and summary of disclosure, and drafting of pleadings and arguments. Any documents I prepare would be reviewed and approved by a practicing lawyer before use in any legal proceeding.

How do you expect that your legal service will address the unmet legal needs of BC residents?

I personally know several sole practitioners who require legal research and writing assistance, but do not have the budget to hire full-time paralegal assistance, or to provide additional infrastructure (e.g. office space). Some lawyers in this position have had to discharge clients of modest means, simply because those clients are unable to afford the cost of a practicing lawyer. The ability to hire me as a home-based contract employee, as and when needed, would allow these lawyers to provide legal services to the public at more affordable rates than they would otherwise charge, and to assist members of the public who would not otherwise be able to afford legal services.

Who do you think will be the consumers of the legal service you intend to provide?

Practicing lawyers who act on legal aid retainers and otherwise assist clients of limited financial means. These are the same lawyers who often lack the budget to employ full-time staff or additional infrastructure.

How would you manage the risk to the public arising from the legal service you intend to provide, including with any relevant credentials, education, training or experience you may have?

I have a law degree from the University of Victoria (received in 2016). Between August 2010 and January 2020, I worked as a contract paralegal for various practicing lawyers. References are available upon request.

My services would present no more risk to the public than those of any other paralegal employed by practicing lawyers across the province, as in both cases, practicing lawyers would always supervise the work and make all final decisions in their clients' best interests. As with any other paralegal, any legal advice I would give would be to lawyers, who would be covered by their own professional liability insurance and accountable to the Law Society with respect to any legal services provided to a client.

Legal Services Innovation Sandbox Proposal

Submission date: 2021-01-26 at 8:40 PM

File No. AP20210006

Name: Jeremy Maddock

Title:

Company:

Address: 2536 Forbes Street
Victoria, British Columbia Canada

Phone: 250-592-9210

Email: jeremymaddock@hotmail.com

Accredited? Yes – As a temporary articulated student in British Columbia in 2014 and 2015.

Insured? –

Please tell us about the legal service you intend to provide.

I propose to assist Violation Ticket disputants as “agent,” pursuant to s. 57(2) of the Offence Act. This would include reviewing Violation Tickets, obtaining disclosure from ticketing officers, negotiating with ticketing officers about possible resolution; and if necessary, cross-examining ticketing officers and making submissions to the Court.

How do you expect that your legal service will address the unmet legal needs of BC residents?

It was specifically recognized in the Report of the Legal Services Regulatory Framework Task Force, at the urging of the Chief Judge of the Provincial Court, that Traffic Court is one area where the administration of justice would benefit from the presence of alternative legal service providers:

“The Task Force also heard from its discussions with the Chief Judge and Associate Chief Judges that non-lawyer advocacy for matters involving Traffic Court might also be worth exploring, provided an appropriate education and regulatory scheme could be developed. The Task Force also noted from its discussions with the Law Society of Upper Canada that advocacy in by law matters is an area of practice permitted for paralegals regulated by that Law Society.” [“Report of the Legal Services Regulatory Framework Task Force” (5 December 2014), Law Society of British Columbia,

<https://www.lawsociety.bc.ca/Website/media/Shared/docs/publications/reports/LegalServicesRegulatoryFrameworkTF.pdf> at para 87]

Traffic tickets are typically punishable by fines ranging from \$81 (failing to produce driver’s license) to \$368 (driving without due care and attention). Legal aid is never available for these kinds of offences, because the disputants do not face a risk of jail. Practicing lawyers tend to charge around \$300/hour, and the average cost of counsel for a one-day summary conviction trial is \$5,400. [“Fees rising before downturn - 2020 Legal Fees Survey” (11 May 2020), Canadian Lawyer, <https://www.canadianlawyermag.com/surveys-reports/legal-fees/fees-rising-before-downturn-2020-legal-fees-survey/329033>] In most cases, it is simply not economical for a

motorist who wishes to dispute a traffic ticket under the Motor Vehicle Act to pay for the cost of a practicing lawyer.

When affordable options are not available, disputants often forego legal advice entirely, causing them to make uninformed decisions with detrimental consequences. For example, many disputants do not obtain disclosure in advance of trial, and are therefore unable to conduct an effective cross-examination of the ticketing officer; while others enter a guilty plea and pay the fine, expecting that to be the end of the matter, and are surprised when they face a license suspension after the fact.

Given my legal training, and experience with the legal system in general and Traffic Court in particular, I have the knowledge and experience necessary to guide disputants in mounting a defence, helping them to make informed choices while leaving the ultimate decisions up to them. This will not only benefit the individuals in need of assistance, but will also benefit opposing counsel, court administrators, and Judges or Justices, and the court system generally, by ensuring that these routine cases are handled in an efficient and professional manner.

Who do you think will be the consumers of the legal service you intend to provide?

Individuals who face fines and license suspensions arising from Violation Tickets. I will not be providing services to anybody who faces a risk of jail.

How would you manage the risk to the public arising from the legal service you intend to provide, including with any relevant credentials, education, training or experience you may have?

I have a law degree from the University of Victoria (received in 2016), and appeared in Traffic Court on an occasional basis beginning in 2014, when I was a temporary articulated student. While I was in law school, lawyers started employing me on a contract basis to assist with traffic matters, usually in cases where it was not economical for a practicing lawyer to appear.

On a few occasions, I appeared pro bono for friends or family members who needed help navigating the legal system. In this context, Associate Chief Justice Cullen (as he then was) noted that “the interests of justice favour granting Mr. Maddock an audience” (R. v Scherbey, 2018 BCSC 1584 at para 20).

Over several years, I gained a reputation among lawyers, clients, police officers, and the Court as somebody who could competently and effectively assist motorists charged with minor traffic offences. I achieved acquittals or successful resolutions in approximately 75% of the cases in which I appeared. Over the six years I provided these services, I never had any complaints or issues raised in relation to the quality of my services, only the fact they were being provided in the first place.

The risk to the public arising from my services is significantly lower than the risk of disputants representing themselves in a court system they may not understand.

I will never be appearing as agent in any matter where the disputant faces a possibility of jail, so the only risk to members of the public is the risk of a fine or license suspension. I will always ensure that the clients understand these risks and make their own informed decisions about how to proceed.

The maximum possible fine under the Offence Act is \$2,000, while the deductible under the Lawyers' Insurance Fund is \$5,000. Therefore, the fact that lawyers carry professional liability insurance provides no meaningful protection to the public in the Offence Act context.

The persons to whom I would be providing services will therefore not be any worse off in relation to risk as compared with practicing lawyers, and will have the benefit of competent agency services to help them navigate the legal system.