



In Brief

TRU INAUGURAL GOLD MEDALLIST

Taylor-Marie Young (left) is the first recipient of the Law Society gold medal for Thompson Rivers University. Young achieved the highest cumulative grade point average over the three-year program.

LAW SOCIETY CEO ELECTED PRESIDENT OF INTERNATIONAL INSTITUTE OF LAW ASSOCIATION CHIEF EXECUTIVES

At its 2014 conference and annual general meeting in Cape Town last month, the International Institute of Law Association Chief Executives (IILACE) elected the CEO of the Law Society, Timothy McGee, QC, as its new president.

IILACE is an association of chief executive officers of law societies and bar

associations from around the world. The annual meeting provides a forum for exchange of views and information of common interest to local, national and international executive officers of law societies and bar associations. McGee will serve a two-year term.

JUDICIAL APPOINTMENTS

Richard Browning, of Browning, Dunne, Soga, Ray & Mirsky in New Westminster, was appointed a judge of the BC Provincial Court.

Barbara Flewelling, a lawyer with Barbara Flewelling Law Corporation in Victoria, was appointed a judge of the BC Provincial Court. ❖

Unauthorized practice of law

UNDER THE LEGAL Profession Act, only trained, qualified lawyers (or articled students or paralegals under a lawyer's supervision) may provide legal services and advice to the public, as others are not regulated, nor are they required to carry insurance to compensate clients for errors and omission in the legal work or claims of theft by unscrupulous individuals marketing legal services.

When the Law Society receives complaints about an unqualified or untrained person purporting to provide legal services, the Society will investigate and take appropriate action if there is a potential for harm to the public.

From September 4 to November 24, 2014, the Law Society obtained undertakings from two individuals not to engage in the practice of law.

The Law Society has obtained orders prohibiting the following individuals and businesses from engaging in the unauthorized practice of law:

- **Christophere Nat Kit Ho, Thelma**

Wai Yee Leung and Ho & Associates Consulting Group Inc., all of Richmond, provided immigration law services out of Richmond while not being practising lawyers or registered immigration consultants. On November 10, 2014, Ho, Leung and Ho & Associates Consulting Group Inc. consented to an injunction prohibiting them from engaging in the practice of law for or in the expectation of a fee, gain or reward, direct or indirect from the parties for whom the acts are performed, unless and until they are authorized to do so. The Law Society was also awarded costs.

- **Mel Farrell**, doing business as **Reliable Tax Services**, of Victoria, consented to an order prohibiting him from engaging in the practice of law. The Law Society had received evidence that Farrell's business was offering to incorporate companies and shareholders' agreements, and giving legal

advice for or in the expectation of a fee. Farrell consented to paying the Law Society's costs.

- On November 7, 2014, Madam Justice Fisher found **Brian Carlisle**, of Abbotsford, in contempt of a court order pronounced June 5, 2002. The court found that Carlisle had advertised legal services on the internet and offered to prepare *Charter* applications for or in the expectation of a fee, contrary to the previous order. The court fined Carlisle \$500 and awarded the Law Society its special costs.
- **Fazlolah Ghaemmaghmi**, doing business as **Ghaemmaghmi Immigration Services**, of North Vancouver, consented to an order permanently prohibiting him from falsely representing himself as a lawyer or in any other way that connotes that he is qualified or entitled to engage in the practice of law. ❖



Ken Walker, QC, 2015 president

THE SON OF a self-made business man and veteran of the Second World War, and the grandson of a farmer, Ken Walker, QC, had never met a lawyer or a judge while growing up in Saskatchewan – and had scarce reason to consider law as a profession.

It was when he was in university he began thinking about becoming a lawyer.

Armed with little more than a cursory knowledge of the profession and a healthy curiosity, Ken went on to study law at the University of Saskatchewan.

Immediately, he was drawn in by what he saw. He loved the collegiality and the aspirations of his fellow students, all bent on creating a better world. He was completely captivated by the prospect of belonging to a profession that performed an important service to others.

As a newly married graduate, he spent three months working in a street clinic

where he was deeply affected by the experience of helping people who could not afford legal services. For the aspiring young lawyer, this put in sharp relief how many were left out of the legal equation.

After returning from a long-awaited trip in Europe, Ken crossed the Rockies with his wife, Shirley, in search of articles. He had heard of an opportunity in Kamloops, and shortly after his arrival, began working at Wozniak, Meikle and Shupe, though it was a short-lived arrangement. When the firm dissolved, Ken continued working with senior partner Wally Wozniak, starting a partnership and friendship that lasted 33 years before Wally passed away.

The firm Wozniak and Walker is still a partnership. Ken now works alongside his son, Kevin, and they continue the tradition of helping people tackle their legal problems in an efficient and affordable way.

Ken has never forgotten that first experience working in the street clinic in Saskatchewan. Today, he travels regularly to small interior communities like Williams Lake and is still troubled by the number of access to justice issues he comes across in the course of his work. It comes as no surprise he is committed to using his time as president to address this challenge. In considering the issue, he has embraced the concepts set out in the Canadian Bar Association's 2013 report *Reaching Equal Justice* and believes working collaboratively, thinking systemically, and acting locally, as suggested in the report, will go a long way to increasing access. In 2015, he plans to call on everyone in the profession to find small personal ways to meet the needs of clients and justice system users every day, while continuing to contribute to systemic reforms.

What has become clear to Ken over the years is that access to justice issues are different in all of BC's varied

geographical regions, and he believes the solution will need to be flexible in its application. The insight gleaned from years working in rural BC will serve the profession well as discussions progress throughout the year.

PLTC is another trending topic for Ken in his year as president. With issues of mobility driving discussions of program change, the Law Society will focus on determining what its admission program should look like moving forward, and how to pick the best attributes from the current range of training programs used across the country.

While Ken is passionate about the profession, he is equally committed to his family. He and Shirley have five grandchildren under the age of six to keep them young at heart. ❖

Towards a framework for the expansion of legal service providers

A YEAR AGO, the Benchers unanimously approved the recommendations of the Legal Service Providers Task Force. That report built on past work of the Law Society and a range of legal needs studies and recognized that the time had come to explore a framework for the liberalization of regulatory requirements to permit the Law Society to better respond to future initiatives and needs for the provision of legal services.

One of the recommendations was that the Law Society develop a regulatory framework by which other existing

providers of legal services, or new stand-alone groups who are neither lawyers nor notaries, could provide credentialed and regulated legal services in the public interest.

The Legal Services Regulatory Framework Task Force was created to consider and report back to the Benchers on that recommendation.

On December 5, 2014, the Benchers adopted the recommendations of the task force set out in the *Report of the Legal Services Regulatory Framework Task Force*. The task force recommended that the Law

Society seek an amendment to the *Legal Profession Act* to permit the Law Society to establish new classes of legal service providers to engage in the practice of law, set the credentialing requirement for such individuals, and regulate their legal practice. The task force also identified several areas of practice in which new classes of legal service providers could be permitted to practise.

The Law Society will approach the government early in 2015 to request the necessary amendments. ♦



FROM THE LAW FOUNDATION

New Law Foundation governors

THE LAW FOUNDATION of BC welcomes four new members, appointed by the Law Society, to its Board of Governors. The appointments are for three-year terms effective January 1, 2015.

The Honourable Judge Marion Buller (Westminster County) is a member of the Mistawasis First Nation in Saskatchewan. She was called to the bar in 1988, practised with Connell Lightbody for over five years, and was appointed as a judge of the Provincial Court of BC in 1994. She developed and presides in the BC First Nations Courts, and was a judge for the BC Northern Circuit Court for seven years. She has presided in criminal, youth, family, small claims, and various circuit courts in the past.

Judge Buller has written and presented extensively on Aboriginal legal issues. She is past-president of the Indigenous Bar Association of Canada and received the Queen's Golden and Diamond Jubilee Medals.

Jan Lindsay, QC (Vancouver County) was called to the BC bar in 1981 and has practised civil litigation since that time. She was appointed Queen's Counsel in 2009.

Lindsay is president of the Law Society in 2014 and has been involved with Society activities since 2000. She has served on numerous committees, including serving as chair of the Discipline and the Independence and Self-Governance Advisory Committees, as well as the Task Force on Retention of Women in the Legal Profession.

As a member of the Canadian Defence Lawyers, Lindsay is the tenth recipient of the prestigious Lee Samis Award of Excellence. In 2013 she was awarded the BC Women Lawyers Forum Award of Excellence.

Mary MacGregor (Kamloops district) practises law in Kamloops. She was called to the bar in 1977, worked with firms in the Merritt and Kamloops areas for several years, and started her own practice in 1995. She works mainly in corporate-commercial law, including clients in the resource and service sectors in the interior of BC.

MacGregor served on the Thompson Rivers University Law School Advisory Committee. She was also a member of the CBA, BC Branch Judicial Advisory

Committee and has worked as a government appointee on the BC Farm Debt Review Board, the Fraser Basin Management Board, the BC Fiscal Review Panel and the BC Lottery Corporation Board. MacGregor also has volunteered with the Vancouver Foundation's Environmental Advisory Committee and various committees on the BC Cattlemen's Association and the Canadian Cattlemen's Association.

Geoffrey White (Okanagan district) first practised in Ontario, but moved to BC in 1997. His practice in Kelowna is focused on estate and charity law.

White is currently chair of the Okanagan Chapter of the Society of Estate and Trust Practitioners and past-president of the Kelowna Estate Planning Society. He is a frequent presenter on estate law and is co-editor of the CLE *Probate and Estate Administration Practice Manual*. White also volunteers with the People in Motion Society and the Salvation Army. He is a past board member of the BC Centre for Elder Advocacy Society, and a presenter for the Planned Lifetime Advocacy Network. ♦

Cloud computing

WHEN SERVING HER clients, Nicole Garton aims for the sky – and she credits the cloud for helping her to get there.

A lawyer and mediator of family law, wills and estate matters with Heritage Law, Garton has been practising for 14 years. She relies on cloud computing technology to serve her clients more effectively.

“All of our staff are able to connect to their hosted desktop from anywhere,” Garton said. “This has enabled us to work seamlessly from the office or home or when we’re away, and to access remote talent, primarily remote paralegals. Overall, we feel the cloud infrastructure enhances firm productivity and efficiency.”

Garton is part of a growing number of lawyers in BC, and around the world, who are integrating the use of cloud computing technology into their practice. Many are unfamiliar with the term “cloud computing,” even though they may use cloud-based services. Web-based email providers, for example, such as Gmail and Hotmail, are cloud-based services that store information on the Internet.

So, what is cloud computing? A simple Google search of the term provides a succinct definition: “A network of remote servers hosted on the Internet to store,

manage, and process data, rather than a local server or a personal computer.”

Outside of web-based email providers, several companies offer cloud-based storing services specifically to allow businesses – like law firms – to store electronic files off site. It allows lawyers to access data – such as client files and accounting and trust records – from virtually anywhere, which can translate into cost savings, time savings and convenience.

Lawyers at Heritage Law use what is called a “private cloud” in their day-to-day operations, which provides more control over what is stored, and avoids “multi-tenancy” – where several tenants are isolated on a server, but physically integrated .

“We use hosted desktops that reside in secure data centers in BC,” Garton said. “We run our entire law firm on these desktops, meaning we connect securely via the Internet to all our legal applications, email, client files and data on the hosted desktops.”

Staff can use any device to connect, including tablets and laptops. None of the firm’s data or legal applications resides on the device they connect from.

While it is clear the technology provides benefits to lawyers, there are risks

associated with the security and privacy of that information on a remote server. The profession has been particularly alive to the risks, especially since former NSA contractor Edward Snowden came forward with allegations that governments are tapping into established networks.

“I think Snowden had a huge impact in terms of opening people’s eyes to the amount of surveillance that could be done on communications,” David Bilinsky, practice management advisor with the Law Society of BC, said. “It was the end of the age of innocence with Snowden.”

This past summer, Snowden told *The Guardian* newspaper, “I would say lawyers, doctors, investigators, possibly even accountants. Anyone who has an obligation to protect the privacy interests of their clients is facing a new and challenging world and we need new professional training and new professional standards to make sure that we have mechanisms to ensure that the average member of our society can have a reasonable measure of faith in the skills of all the members of these professions.”

The Law Society has been working to address security and privacy concerns around cloud computing well before Snowden’s revelations. In 2010 a working group was struck to look into what rules and policies the Law Society will need for BC lawyers who are using cloud computing and/or remote processing and storing of client and business records. The working group also considered BC lawyers’ use of electronic storage, both in and outside of the province. The *Report of the Cloud Computing Working Group*, which included key recommendations, was subsequently released and was adopted by the Benchers in January 2012.

“The report is premised on the concept of, we don’t regulate technology or the business model they use, but we regulate lawyers,” Doug Munro said. Munro is a policy lawyer with the Law Society who prepared the report. The report identifies



Nicole Garton



Doug Munro



Dave Bilinsky