



## Hearing panel pool members attend refresher course

IN 2011, THE Law Society expanded the list of individuals eligible to sit as hearing panel members to include members of the public and non-Bencher lawyers. This allows broader input and creates greater public confidence in the hearing process.

The Law Society received applications from many qualified people, and those selected for the hearing panel pools took training courses. A refresher course and dinner was held on March 4, 2015.

Attending the course were, seated from left to right: Peter Lloyd, Anna Fung, QC, Clayton Shultz, Paula Cayley, Jasmin

Ahmad, Donald Silversides, QC, June Preston, Glenys Blackadder, Dr. Gail Bellward, Graeme Roberts, David Mossop, QC and Gavin Hume, QC.

Standing, left to right: John Waddell, QC, Jamie Maclaren, Jennifer Chow, Carol Gibson, Thelma Siglos, James Dorsey, QC, Sharon Matthews, QC, Lance Ollenberger, William Everett, QC, David Layton, Dan Goodleaf, John Lane, Donald Amos, Joost Blom, QC, J. S. (Woody) Hayes, Robert Smith, Bruce LeRose, QC, Claude Richmond, Jory Faibish, Tom Fellhauer, Carol Hickman, QC, Peter Warner, QC, Sandra

Weafer, Lynal Doerksen, Elizabeth Rowbotham, President Ken Walker, QC, Hadyn Acheson, Gregory Petrisor and Tribunal and Legislative Counsel Jeffrey Hoskins, QC.

Hearing panel pool members not pictured: Ralston Alexander, QC, Adam Eneas, John Ferguson, John Hogg, QC, Patrick Kelly, Richard Lindsay, QC, Linda Michaluk, Shona Moore, QC, Laura Nashman, Karen Nordlinger, QC, Jennifer Reid, Dale Sanderson, QC, Lois Serwa, William Sundhu and Brian J. Wallace, QC. ❖

## Revision and consolidation of Law Society Rules

AT THEIR NEXT meeting on April 10, it is expected that the Benchers will adopt revised and consolidated Law Society Rules, to come into effect July 1, 2015.

The primary objectives of the revision and consolidation are to:

- re-number all rules and subrules in consecutive whole number order to eliminate decimal numbering;

- add headings to cross-references to aid recognition;
- consider the logical placement of provisions and relocate as necessary;
- ensure consistency and economy of language;
- identify substantive issues for consideration outside of the consolidation

project.

The draft Law Society Rules 2015 can be downloaded from the website; see the [highlight](#). A historical table showing the new and old numbers assigned to each rule with the dates of past changes since the 1998 Rules is included. ❖

## Fiduciary property rules adopted

THE BENCHERS HAVE adopted new rules that permit lawyers acting in a fiduciary capacity, such as an executorship, arising from a solicitor-client relationship to deal with assets under their control in less prescriptive ways, while still requiring lawyers

to account for the assets and to allow the Law Society to review the accounts, when necessary.

In addition to this rule change, the Benchers have also adopted changes to the rule regarding payment of fees from trust,

where now a client must agree in writing to receiving a bill by any means other than that specifically addressed under that rule.

The rule amendments can be found on the [Law Society website](#). ❖

## In Brief



### ABORIGINAL LAWYERS MENTORSHIP PROGRAM MEET-AND-GREET

More than a dozen lawyers, recent calls, and law students attended the Aboriginal

Lawyers Mentorship Program meet-and-greet, which was held in January at the University of Victoria Faculty of Law. The program is intended to enhance the retention and advancement of Aboriginal lawyers, who are currently underrepresented in the legal profession in BC.

Currently in its second cycle, the program has already surpassed its goal of matching 20 mentor-mentee pairs.

### JUDICIAL APPOINTMENTS

**Martha Devlin**, a lawyer with the Public Prosecution Service of Canada (Vancouver),

was appointed a judge of the Supreme Court of BC, replacing Justice **John Savage**. Justice Savage was appointed a judge of the Court of Appeal, replacing Madam Justice **K.E. Neilson**, who elected to become a supernumerary judge.

**Richard Browning** was appointed a judge of the BC Provincial Court (Fraser Region).

**Barbara Flewelling** was appointed a judge of the BC Provincial Court (Vancouver Island Region). ❖

## 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 November 25, 2014 to February 18, 2015, the Law Society obtained undertakings from seven individuals not to engage in the practice of law.

The Law Society has obtained orders against the following individuals and business related to the unauthorized practice of law:

- On the court's own motion, Associate Chief Justice Cullen dismissed an action that **R. Charles Bryfogle**, of Kamloops, had commenced against the Law Society. Bryfogle commenced the action

without first obtaining leave, as was required by virtue of a previous court order declaring Bryfogle a vexatious litigant. The Associate Chief Justice ordered that Bryfogle must not, except with prior leave of the Court, initiate any legal proceedings in any court. The court ordered that any document or process filed contrary to the order is a nullity, even if a registry inadvertently files the document or process. Further, the court declared that no person is obliged to respond to any process filed contrary to the order. (March 9, 2015)

- Madam Justice Dorgan found **Robert G.D. Gallard** and **Gallard's Collection Service Ltd.**, of Victoria, in contempt of an order pronounced in 2007 that prohibited Gallard and his company from engaging in the practice of law. Gallard and his company and its employees had performed various legal services for clients in small claims court in the expectation of a fee, contrary to the court order. The court fined Gallard and his company \$7,500 and awarded the Law Society its special costs. The court also expanded the previous injunction to prohibit Gallard and his company from

commencing, prosecuting or defending a proceeding on behalf of others regardless of whether a fee is charged. (February 18, 2015)

- **Kevin James Anderson**, of Kelowna, consented to an injunction prohibiting him from representing himself as a lawyer, counsel or any other manner that connotes that he is qualified or entitled to engage in the practice of law in BC. Anderson is also prohibited from engaging in the practice of law, including the drawing, settling or revising of corporate documents and giving legal advice for or in the expectation of a fee, gain or reward. The injunction will remain in force unless and until the Law Society permits him to practise law in BC. (February 13, 2015)
- **Boguslaw Bejm**, of Coquitlam, consented to an injunction prohibiting him from engaging in the practice of law for or in the expectation of a fee. In 2013 and 2014, Bejm had offered legal services on the Craigslist website, including advice on family law and litigation matters, for or in the expectation of a fee. (January 23, 2015) ❖

## Essay contest invites high school students to consider the relevance of the Magna Carta

CONSISTENT WITH OUR strategic goal of raising public awareness of the importance of the rule of law and the proper administration of justice, the Law Society is hosting an essay writing contest in honour of the 800th anniversary of the Magna Carta. The essay topic is "Magna Carta and its relevance to Canada in the 21st Century."

The competition is open to students in a BC public high school in the 2014/15 academic year who are currently enrolled in, or have taken, Law 12 and/or Civic Studies 11 courses. Students are asked

to submit an essay that demonstrates an understanding of the significance of the Magna Carta to the rule of law, human rights and democratic principles. The first prize winner will receive an award of \$1,000 and will be invited to a special awards presentation event in Vancouver; the runner up will receive \$500. Deadline for submissions is June 1, 2015.

For more on the contest or how to submit an essay, see the [highlight](#) on the website to download the information form. ❖



*King John signing the Magna Carta, England, 1215*



## News from the Law Foundation

### INTRODUCING THE NEW CHAIR OF THE LAW FOUNDATION BOARD



As of January 1, 2015, Warren Milman is the chair of the board of the Law Foundation of BC. Milman joined the Law Foundation board in 2011. Over the past three years, he has

served on the Finance, Fellowships and Research, and Policy and Planning Committees. He has chaired the Class Actions Committee for the past two years.

Milman was called to the bar in 1993 and is a partner at McCarthy Tétrault in Vancouver, practising in the area of commercial litigation, with a focus on insolvency. He is a member of his firm's Pro Bono Committee and was formerly the chair of Pro Bono Law of BC.

Milman succeeds Tamara Hunter of Davis LLP, who completed her two-year term as chair at the end of 2014.

### VALUABLE WORK OF THE INNOCENCE PROJECT AT UBC'S ALLARD SCHOOL OF LAW

The Innocence Project is a clinical program at the University of British Columbia's Allard School of Law, in which students work on files under the supervision of a lawyer for individuals who have been convicted of a serious offence and are asserting their factual innocence. It has two components: one academic and one clinical. The seminar "Preventing Wrongful Convictions" makes up the academic component of the program. It is designed to provide students with an understanding of both the causes of wrongful conviction and the proper role of the various players in the criminal justice system, including the police, Crown, judges, experts and defence counsel. The clinical component includes casework; weekly meetings to discuss new and ongoing cases; presentations from guest speakers, mostly forensic experts and lawyers; and regular meetings with supervising lawyers, investigators and experts involved with the case.

Since the project began accepting applications in September 2007, it has received at least 700 inquiries. Students are currently working on 18 cases. (Many applications are denied as they do not fit within the program's narrow eligibility guidelines.) Cases have a lifespan of several years, with the volunteer supervising lawyers (many of whom are senior criminal lawyers) staying with a case and new students being incorporated into the case each year.

The overall objectives of the Innocence Project are to educate law students about the practice of criminal law and the frailties of the criminal justice system; to provide those students with an inspirational and practical education experience; to deliver a legal service not otherwise provided in BC; to engage the legal community in the provision of a valuable, pro bono legal service; and to create networking opportunities for students interested in criminal law. An additional long-term objective is to identify and educate the public about important issues related to wrongful convictions in Canada. ❖

## Thanks to our 2014 volunteers

THE BENCHERS THANK and congratulate all those in the profession and the legal community who volunteered their time and energy to the Law Society in 2014. Whether serving as members of committees, task forces or working groups, as Professional Legal Training Course guest instructors or authors, as fee mediators, event panellists or advisors on special projects, volunteers are critical to the success of the Law Society and its work.

Over the past year, the Society has enjoyed the support and contributions of over 300 volunteers, all of whom deserve acknowledgement.

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