



MILESTONES IN THE PROFESSION

The Benchers hosted a luncheon in Vancouver on May 27 to honour lawyers who are celebrating milestone anniversaries in the profession.

Receiving 50-year certificates unless otherwise noted, were, front row, left to right: Eric B. Rutledge, Edward P.J. Chibber, John Kurta, R. Dale Janowsky, QC, Paul D.K. Fraser, QC and R. Alan Hambrook

Back row: Winton K. Derby, QC, R. Paul Beckmann, QC, Lawrence P. Page, QC, James M. Poyner, Walter J.W. Boytinck, Ronald Wilson, Jakob S. de Villiers, QC, M. Peter Geronazzo, Gary R. Anderson, G. Sholto Heberton, QC, J. Thomas English, QC and David Chong (60 years)

Also honoured this year, but not pictured: Keith B. Allan, Ronald I. Cheffins, QC (60 years), Ronald C. Cook, QC, Charles Flader (60 years), P. Charles Gorick, J. Frank Harrop, Keith A. L. Hillman (60 years), John D.L. Morrison, Terence C. O'Brien, Ian Gordon Pyper (60 years), Morley D. Shortt, QC, Stanley G. Turner, Allan R. Watson and David L. Youngson (60 years).

IMPORTANT REMINDER

Law Society Rules 2015 in effect July 1

ON APRIL 10, the Benchers adopted revised and consolidated Law Society Rules, which 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 Law Society Rules 2015 are published in the June 2015 *Member's Manual* amendment package, as well as on the website; see the [Publications](#) section. A historical table showing the new and old numbers assigned to each rule with the dates of past changes since the 1998 Rules is available for download.❖

Articling offers by downtown Vancouver firms to stay open to August 14

ALL OFFERS OF articling positions made this year by law firms with offices in downtown Vancouver must remain open until 8 am on Friday, August 14, 2015. Downtown Vancouver is defined as the area in the city of Vancouver west of Carrall Street and north of False Creek.

Set by the Credentials Committee under Rule 2-31, the deadline applies to offers made to both first and second-year law students. The deadline does not affect offers made to third-year law students or offers of summer positions (temporary

articles). Law firms are encouraged to set an acceptance deadline for 8 a.m. on August 14; if the offer is not accepted, the firm can make a new offer to another student within the same day. Law firms cannot ask students whether they would accept an offer if an offer was made, as this places students in the very position Rule 2-31 is intended to prevent.

If a law student advises that he or she has accepted another offer before August 14, the firm can consider its offer rejected. If a third party advises a lawyer that

a student has accepted another offer, the lawyer must confirm this information with the student. Should circumstances arise that require the withdrawal of an articling offer prior to August 14, the lawyer must receive prior approval from the Credentials Committee. The committee may consider conflicts of interest or other factors that reflect on a student's suitability as an articulated student in deciding whether to allow the lawyer to withdraw the offer.

For further information, contact Member Services at 604.605.5311. ❖

Unauthorized practice of law

UNDER THE LEGAL Profession Act, only trained, qualified lawyers (or articulated 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.

Between February 19 and May 15, 2015, the Law Society obtained undertakings from six individuals not to engage in the unauthorized practice of law.

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

- On May 6, 2015, Madam Justice Fisher granted an order prohibiting **David Alexander Parsons**, doing business as www.cakehole-law.org, of Quathiaski Cove, BC, from commencing, prosecuting or defending proceedings in any court on behalf of others, regardless

of whether he charges a fee. The court found that Parsons had a history of prosecuting actions on behalf of others "to promote his 'personal war' with the justice system." The order does not prevent Parsons from representing himself in any legal proceeding or from appearing in court with leave of the court or assisting others to prepare documents for court on an occasional or isolated basis, provided that any such assistance is done without the expectation of any fee or reward.

- On April 23, 2015, Madam Justice Griffin granted an order prohibiting **Walter Anderson**, of Surrey, from commencing, prosecuting or defending proceedings in any court, unless representing himself as an individual party to a proceeding, acting without counsel, solely on his own behalf. In 2013 and 2014, Anderson prosecuted proceedings on behalf of others in the Supreme Court without the expectation of a fee, gain or reward. In one proceeding, the court denied Anderson audience, finding his prosecution of the matter inappropriate and contrary to the *Legal Profession Act*. The order does not apply when Anderson commences, prosecutes or defends a proceeding on

behalf of a company, provided that he is a registered officer or director of that company and such acts are purely incidental to his appointment.

- 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)
- On the court's own motion, Chief Justice Hinkson dismissed an application that **Glen Robbins, Ita Robbins and Frana Matich**, of Port Coquitlam, had commenced against several parties in the New Westminster registry. Robbins, his wife and mother-in-law had initiated the

application without first obtaining leave, as was required by virtue of previous court orders declaring them vexatious litigants. The Chief Justice ordered that no person is obliged to respond to any document or any process filed contrary to the order, even if a registry inadvertently accepts the document or process for filing. (March 24, 2015).

- On May 28, 2015, Madam Justice Griffin found **Robert Arnold Gunderson**, of Duncan, BC, in contempt of a 1999 court order prohibiting Gunderson from

engaging in the practice of law, including giving legal advice, drafting trust documents and other legal documents. At the hearing, Gunderson admitted that, between 2012 and 2015, he prepared trust documents and demand letters and gave legal advice to various people and companies for or in the expectation of a fee, contrary to the order. In addition, Gunderson admitted that he prepared various corporate documents and incorporated a company, contrary to the *Legal Profession Act*. The court

ordered Gunderson to pay a \$5,000 fine and perform 240 hours of community service within one year, and pay the Law Society's costs fixed at \$5,000 within six months of the order. The court also expanded the 1999 order to prohibit Gunderson from preparing corporate documents for or in the expectation of a fee, gain or reward, direct or indirect from the person for whom the services are performed.❖



FROM THE LAW FOUNDATION OF BC

Scotiabank improves rate of return

LAW FOUNDATION CHAIR, Warren Milman, commends Scotiabank for its commitment to paying a competitive rate of return on lawyers' pooled trust accounts. Recognizing the overall negative impact of protracted low interest rates on the Law Foundation's revenues, Scotiabank agreed to a new interest agreement effective March 1, 2015. This will provide a welcome increase to the Foundation's overall trust

revenues.

Thanks go to Paula Merrier, Director, and Brian Miller, Senior Manager of Western Canada Global Transaction Banking, at Scotiabank for the leadership shown in making this new agreement possible.

Increased revenues enable the Law Foundation to fund programs that make the justice system accessible to the people of British Columbia. The programs include

professional legal education, public legal education, law reform, legal research, legal aid and law libraries.

The Law Society, the Canadian Bar Association, BC Branch and the Law Foundation encourage lawyers to consider which financial institutions provide the best support to the Foundation when deciding where to place their trust accounts.❖

In Brief

JUDICIAL APPOINTMENTS

Grace Choi, of Jenkins Marzban Logan LLP in Vancouver, was appointed a judge of the Supreme Court of BC, replacing Justice R. Crawford, who elected to become a supernumerary judge.

Laura Bakan, of Guild Yule in Vancouver, was appointed a judge of the Provincial Court in Vancouver.

Patrick Doherty was appointed a judge of the Provincial Court in Surrey.

Edna Ritchie, claims counsel with the Lawyers Insurance Fund of the Law

Society, was appointed a judge of the Provincial Court in Abbotsford.

Dwight Stewart, Crown counsel, was appointed a judge of the Provincial Court in Prince Rupert.❖



PLTC instructor Don Cherry leads a class on Real Estate: Practice & Procedure.

Admission program under review

IN A TIME-HONOURED tradition, hundreds of graduating students in Vancouver, Victoria and Kamloops are donning cap and gown this spring and crossing the stage to accept their law degrees. Following the celebrations, they will embark on the final stage of their journey to the bar: nine months of articling under the supervision of an experienced principal, and ten weeks of professional classroom training.

That admission program has served the British Columbia legal profession well for more than 30 years, but as the profession evolves, admission programs, here in BC and across Canada, have come under review.

One of the pressures on current admissions practices is the increasing number of law-school graduates. This has been particularly acute in Ontario, where demand from a rising number of graduates has outstripped the legal profession's supply of articling positions, prompting the Law Society of Upper Canada to experiment with alternatives. Ontario's legal practice program, offering practical skills training and a co-op placement as an alternative to articling, is in pilot testing at Ryerson University (in English) and the University of Ottawa (in French). Another pilot trial incorporating a co-op placement into the degree program is underway at Lakehead

University in Thunder Bay.

"The tsunami hasn't hit British Columbia yet," says Law Society of BC President Ken Walker, QC, but he adds that, with Thompson Rivers University graduating its second class of law students this year, the number of BC law school graduates continues to climb. "When you look at what's going in the US and in Canada, more universities are asking for more opportunities to graduate more law students. The question ultimately becomes, can the profession continue to place the students in the existing admission programs?"

Another pressure on current admission programs stems from the increasing