

In brief

JUDICIAL APPOINTMENTS

Eugene Jamieson was appointed a judge of the Provincial Court in Port Coquitlam.

Wilson Lee was appointed a judge of the Provincial Court, with resident chambers to be determined.

Philip Seagram was appointed a judge of the Provincial Court in Nelson. ❖

Thanks to our 2015 volunteers

THE BENCHERS THANK all those who volunteered their time and energy to the Law Society in 2015. 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 advisers on special projects, volunteers are critical to the success of the Law Society and its work.

For more on volunteer opportunities, and a list of people who served the Society in 2015, see About Us > [Volunteers and Appointments](#). ❖

FROM THE LAW FOUNDATION OF BC

New Law Society appointments to Law Foundation board



New Law Foundation governors, left to right: Jim Sullivan, Bill Younie, QC and Sean Rowell.

IN JANUARY 2016, the Law Foundation welcomed three new Law Society appointees to its Board of Governors.

Sean Rowell, the appointee for the County of Prince Rupert, was called to the bar in 2006. Rowell works primarily in advising and assisting small businesses and deals with diverse legal issues in that role. His main areas of practice include mining law, business acquisitions and real

estate (including conveying, leasing, financing, development and subdivision). He is the chair of the Bulkley Valley Economic Development Association advisory board, is the treasurer of the Smithers Volunteer Firefighters Association, serves on the Smithers Volunteer Fire Department, and is a past Young Lawyers Representative on the Canadian Bar Association, BC Branch executive.

Jim Sullivan, an appointee for the County of Vancouver, was called to the bar in 1988. He has appeared as counsel in BC, Alberta and Ontario, as well as before the Federal Court and the Supreme Court of Canada. He has also frequently appeared before the BC Environmental Appeal Board and other administrative tribunals. In February 2013 Benchmark Canada named Sullivan Canada's Class Action Litigator of

the Year. Sullivan has represented clients in numerous major corporate commercial, class action, energy, contaminated site, regulatory offence, constitutional and product liability cases. He also advises clients on national and international compliance with foreign and domestic anti-corruption legislation.

Bill Younie, QC, the appointee for the County of Nanaimo, was called to the bar in 1984. His preferred areas of practice include creditor's remedies, acting for lenders, receivers and trustees in foreclosure and insolvency matters, commercial lending, real estate, probate and administration matters. Younie is a former president of the Cowichan Valley Bar Association. He has also been a member of the Kiwanis Club of Duncan, has served on the Kiwanis Village Society Board, was president and a member of the Board of Directors of the Lawyers Assistance Program, was a member of the board of the Cedars at Cobble Hill Society, and was on the board of the Rossland Public Library. He received his Queen's Counsel designation in 2012. ❖

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 omissions in the legal work or for 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 August 27, 2015 and February 10, 2016, the Law Society obtained undertakings from seven individuals and businesses not to engage in the practice of law.

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

Brent Chow, d.b.a. Core Legal Services, Core Finance & Taxation, Core Accounting and "www.coretaxation.com"

On November 25, 2015, the Supreme Court ordered, by consent, that Brent Chow, d.b.a. Core Legal Services, Core Finance & Taxation, Core Accounting and "www.coretaxation.com," of Surrey, be permanently prohibited from engaging in the practice of law for a fee and from commencing, prosecuting or defending proceedings in court on behalf of others, regardless of whether he charges a fee. The Law Society alleged that Chow offered various legal services for a fee, including the preparation of pleadings and other legal documents and the provision of legal advice and corporate services. Chow agreed to pay the Society's costs in the amount of \$1,500.

Mark Allan Nichol, d.b.a. ESC Executor Services Corp.

On December 15, 2015, Mark Allan Nichol, d.b.a. ESC Executor Services Corp., of Nanaimo, consented to an order prohibiting him from engaging in the practice of law for a fee and from commencing, prosecuting and defending proceedings in court on behalf of others. The Law Society alleged that

Nichol prepared court documents with respect to the probate of an estate and gave legal advice for a fee. Nichol agreed to pay the Society \$500 with respect to its costs.

Bradley Jonathan Renford, d.b.a. Concise Paralegal Services

On November 27, 2015, Madam Justice Koenigsberg ordered that Bradley Jonathan Renford, d.b.a. Concise Paralegal Services, of Langley, be prohibited and enjoined from engaging in the practice of law for a fee, including preparing legal documents and performing legal research for others. Renford is also prohibited from commencing, prosecuting or defending a proceeding in court on behalf of another, regardless of whether he charges a fee for doing so. The Law Society alleged that Renford provided legal services for a fee, including giving legal advice and preparing various court forms in family law and small claims matters. The Law Society also alleged that Renford took in hand the overall prosecution of lawsuits on behalf of others. The court awarded the Law Society its costs in the amount of \$4,130.

R. Charles Bryfogle

On June 12, 2015, Madam Justice Gray found R. Charles Bryfogle, of Kamloops, in contempt of court and sentenced him to be incarcerated for 21 days, which was suspended and to be served only if Bryfogle was found to have committed a further breach of the various orders against him. On December 2, 2015, Associate Chief Justice Cullen found that Bryfogle had breached various orders subsequent to Madam Justice Gray's order, and ordered him to be incarcerated for 21 days. The court ordered that Bryfogle remain bound by the recognizance ordered by Madam Justice Gray and awarded the Law Society its special costs.

Ralph Charles Goodwin, a.k.a. Yuxwuletun and Gaia-Watts Enterprises Ltd., d.b.a. Touchstone Committee and Touchstone Committee Law Institute

On December 11, 2015 Mr. Justice Macintosh found Ralph Charles Goodwin, of Duncan, in contempt of the injunction order of Mr. Justice Greyell pronounced

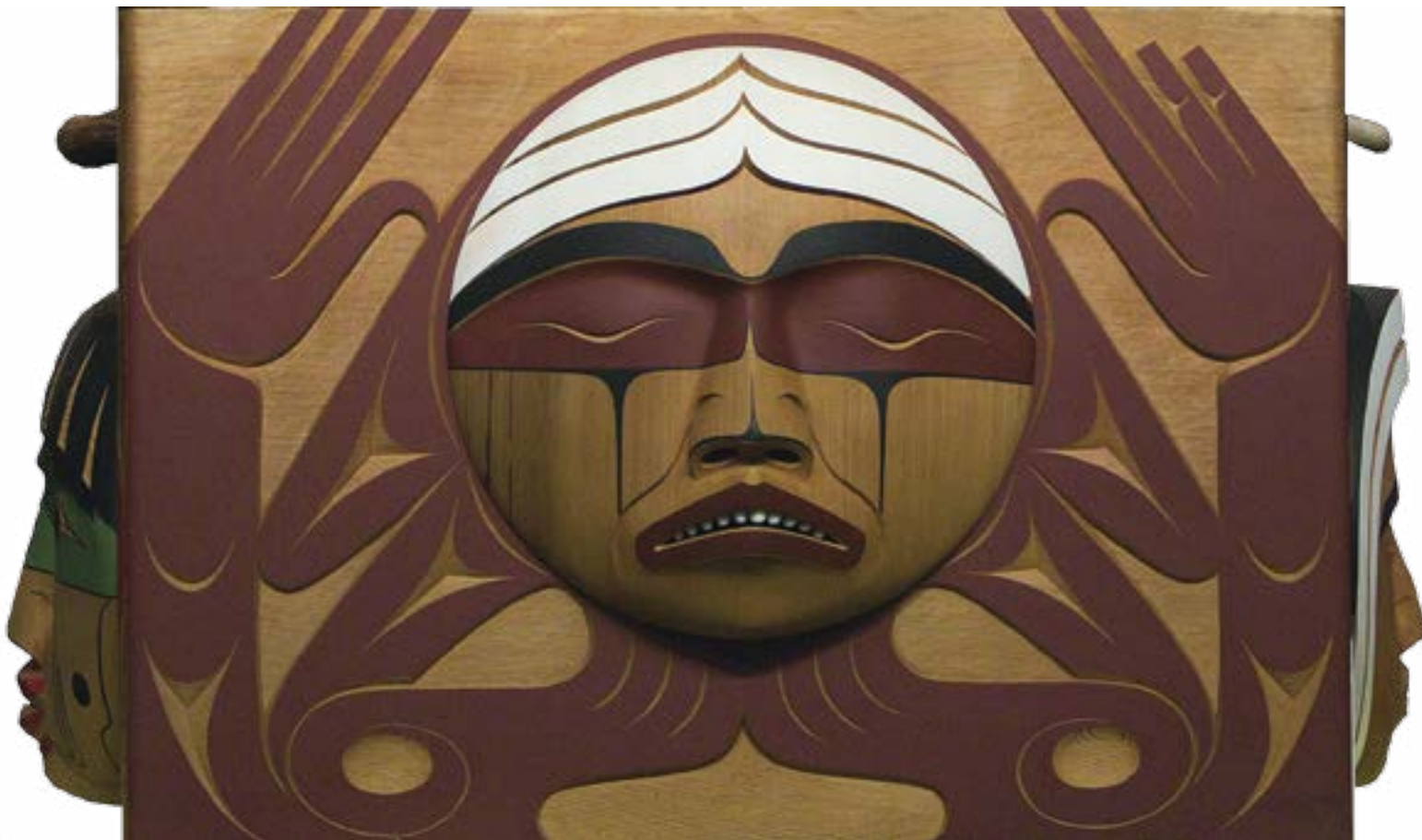
on March 28, 2013. The court found that, on various websites, Goodwin had offered legal services to the public, represented himself as "Law Speaker," "Chancellor of Laws" and other titles connoting that he was entitled or qualified to engage in the practice of law, contrary to the order of Mr. Justice Greyell. In addition, Goodwin failed to inform the Law Society of his involvement in the legal matters of others as the injunction required. The court ordered Goodwin to remove various websites on or before December 25, 2015. After Goodwin failed to remove the various websites, on February 3, 2016 Mr. Justice Macintosh ordered Goodwin to be incarcerated for 30 days without remission. Upon his release, Goodwin will have 30 days to remove the offending websites or he will be subject to further contempt proceedings. The court awarded the Society \$5,519.87 in costs.

Marc Pierre Boyer

On February 10, 2016, Madam Justice Adair granted an injunction prohibiting Marc Pierre Boyer, of Vancouver, from engaging in the practice of law, from representing himself as a lawyer and barrister and from commencing, prosecuting and defending proceedings in any court. The court found that Boyer had defended a party to a criminal proceeding in Provincial Court and had commenced a proceeding in Supreme Court on behalf of another. While doing so, Boyer had improperly referred to himself as a "barrister." The court awarded the Law Society \$1,500 in costs.

John Rynd, a.k.a. John Schneider

John Rynd, a.k.a. John Schneider, of Alberta, consented to an order prohibiting him from engaging in the practice of law in BC and from commencing, prosecuting or defending proceedings in court, regardless of whether he charges a fee for doing so. Rynd is also prohibited from representing himself as a lawyer in BC. Rynd is a former member of the Law Society of Alberta who resigned his membership in the face of disciplinary proceedings. The Law Society received a complaint that, through a business, Rynd had provided legal services with respect to ticket disputes in the Provincial Court of British Columbia. ❖



The Bentwood Box was commissioned by the Truth and Reconciliation Commission and carved by Coast Salish artist Luke Marston. It is a lasting tribute to all residential school survivors and has travelled with the Commission to events throughout Canada.

Photo: National Centre for Truth and Reconciliation Archives, *British Columbia National Event*, PHOT-E15-0774

Taking steps toward reconciliation: Addressing the Truth and Reconciliation Commission's recommendations

"We have described for you a mountain. We have shown you the path to the top. We call upon you to do the climbing."

— Justice Murray Sinclair, Chair, Truth and Reconciliation Commission

WHEN THE SURVIVORS of the residential schools system for Aboriginal children courageously brought forth their experiences in several thousands of court cases, it led to the largest class action lawsuit in our nation's history. As part of the settlement agreement, the government created the Truth and Reconciliation Commission of Canada in 2008 "to contribute to truth, healing and reconciliation."

The Truth and Reconciliation Commission spent six years travelling to all parts of Canada to hear the stories of more than 6,000 witnesses, most of whom were taken from their families and placed in residential schools. Their stories of survival reveal the atrocities our nation has committed against Aboriginal people — a past that was hidden for most of the country's history. The Commission published its final

report on June 2, 2015, which called upon all Canadians to acknowledge the wrongs of the past and included 94 recommendations for us to practise reconciliation.

Law Society President David Crossin, QC urges each and every lawyer in British Columbia to read the Commission's findings and calls to action. "The bar in our province has an outstanding history in coming to the aid of our citizens suffering

injustice. I call upon them once again and urge our bar to read and reflect upon this report," said Crossin. "It is not an easy read. It is a long report, and it is painful, but it can serve as a starting point for a new beginning. There is simply no chance justice will be achieved without the hearts and minds of the BC bar."

LEGAL SYSTEM FAILS TO DELIVER JUSTICE FOR ABORIGINAL PEOPLE

The Truth and Reconciliation Commission's report revealed that the Canadian legal system has time and time again failed Aboriginal people. The federal government's amendments to the *Indian Act* in 1920 gave the government the power to compel parents to send their children to residential schools. Those who resisted residential schooling were punished by the law. In

It is not an easy read. It is a long report, and it is painful, but it can serve as a starting point for a new beginning. There is simply no chance justice will be achieved without the hearts and minds of the BC bar.

— President David Crossin, QC

1937, a father who refused to return his son to school was sentenced to 10 days in jail. In some cases, students who ran away numerous times could be charged under the *Juvenile Delinquents Act* and sentenced to a reformatory facility until they turned 21.

Former students eventually filed class action lawsuits against the federal government and the churches over the abusive treatment they received. Faced with more than 18,000 lawsuits from survivors and class action lawsuits, the federal government agreed to enter into a process to negotiate a settlement. The courts approved the Indian Residential Schools Settlement Agreement in 2006, which grants compensation for those who were forced to attend residential schools.

Still, the Canadian legal system considered only the harms caused by sexual and physical abuse and did not consider the survivors' claims of loss of language, culture and family attachments and violation of treaty rights to education. Criminal prosecution of abusers proved to be difficult. There were fewer than 50 criminal

convictions stemming from allegations of abuse, insignificant compared with the nearly 38,000 claims of sexual and physical abuse.

Unable to find justice through criminal proceedings, survivors turned to civil litigation. They were faced with yet another barrier — statutes of limitations in civil

Still, the Canadian legal system considered only the harms caused by sexual and physical abuse and did not consider the survivors' claims of loss of language, culture and family attachments and violation of treaty rights to education.

proceedings meant they had a limited amount of time to file suit. This is especially true for child victims, who do not have the means or knowledge to pursue claims until they are much older. The government of Canada and the churches have frequently and successfully used statute of limitation defences, despite the Law Commission of Canada's recommendation that the federal government should not rely solely on this type of defence.

There have been some encouraging changes in recent years to the legal system. British Columbia amended its *Limitation Act* in 2013 to include civil proceedings for assault and battery involving a minor, regardless of sexual nature, in its

The last residential school in Canada closed in 1996 but the legacy of residential schools will continue to impact future generations for some time to come. By removing children from their communities and families and subjecting them to religious indoctrination, cultural suppression, strict discipline and, in many cases, abuse, residential schools harmed the ability of the students to become caring and suitable parents.

exemptions from statutes of limitations. Ontario and Nova Scotia finally loosened the statute of limitations in 2015, joining BC, Saskatchewan and Manitoba in allowing sexual assault victims to pursue a civil

claim free of time restrictions.

Not all survivors have been successful in receiving compensation. Approximately 1,000 claims were disqualified due to a minor administrative technicality. Justice department lawyers argued that more than 50 of the schools listed in the settlement agreement ceased to be residential schools when the government took over the operations of educational facilities in the 1950s and 1960, leaving the dormitories in the churches' responsibility. Students who were assaulted anywhere but the dormitories were denied payment. In February 2016, Minister of Indigenous and Northern Affairs Carolyn Bennett promised to look into these disqualified claims. In the meantime, a halt has been ordered and the claims will be reviewed by the minister's department.

These recent developments are small steps in a long journey toward a legal

The Truth and Reconciliation report states that this child-welfare system is simply continuing the assimilation that the residential school system started, and calls for a commitment from all levels of government to reduce the number of Aboriginal children in care and develop support systems to keep families together.

system that brings justice for residential school survivors.

INTERGENERATIONAL IMPACTS ON ABORIGINAL CHILDREN

The last residential school in Canada closed in 1996 but the legacy of residential schools will continue to impact future generations for some time to come. By removing children from their communities and families and subjecting them to religious indoctrination, cultural suppression, strict discipline and, in many cases, abuse, residential schools harmed the ability of the students to become caring and suitable parents.

The result is that Aboriginal children have been highly overrepresented in child protection services for the last 40 years. The number of Aboriginal children in state care today is three times the number of residential school children at the height of its operations. The 2011 *National Household*