



## **November 15, 2018 Bencher By-election – County of Vancouver**

### **Candidate biographies and statements**

The candidates were invited to submit biographical information and an election statement. The views expressed are those of the candidates and do not reflect the official policy or position of the Law Society.

Candidates are listed in order of their appearance on the ballot, as determined by drawing of lots, pursuant to Rule 1-28.

### **Candidate information for District 1 – County of Vancouver**

- YOUNG, Raymond, QC
- HOLMAN, Maria T.
- LEE, Kyla
- MCQUEEN, Jacqueline
- FESTINGER, Jon, QC
- THOMAS, Michael



## **YOUNG, Raymond, QC**

Called to the Bar: 1979

Municipal and Planning Law Chambers

Email: reyoung@shaw.ca

### **BIOGRAPHICAL INFORMATION**

My childhood memories are of Calgary, the stampede, and horses. Despite not having a horse, I did manage to get out of town after high school.

My first stop was one year at Westminster College, London England where I was recruited by 'VSO' (English "CUSO") and sent off to, North Borneo for a year, where I was a small cog amongst Peace Corp workers and experienced New Zealand Colubo Plan teachers who established a school in Sarawak.

UBC followed with a BA in Classical Chinese Language and Literature; a Masters Degree in Community and Regional Planning; and an LLB 1978.

Called in 1979 after articling happily at Lawson Lundell Lawson and Macintosh.

Established "Baker Young Anderson" 1982. Presently, "Young Anderson."

Taught Land Use Law at UBC Faculty of Law for 5 years and subsequently taught Municipal Law at UBC for a decade after the wonderful Professor Todd retired. Practiced full time in all those years at Young Anderson. Was named a Canada-US Fulbright Scholar and spent a term as visiting Scholar at Georgia State University Law School Atlanta.

Practised full-time for 38 years as a barrister and as a solicitor acting for local governments. Still practising, although slowly.

### **ELECTION STATEMENT**

Upon reading the announcement that an election for a vacancy in the ranks of the benchers was in the offing, my mind was drawn to the Bencher's unstinting and valiant current efforts to engage and include indigenous persons, and both men and women, and the numerous other persons laying claim to one or the other of many progressive categories identified as modern homo-sapiens. Being a somewhat antique homo-sapien,

my current attributes are a sense of humour, sobriety experience, education, and tolerance tempered by 39 years at the Bar.

I would say that if the Benchers are seeking thoughtful, tolerant progressive and fair persons to populate their numbers, their recent assessments of good character may be awry since (for example) their treatment and rush to political correctness over-looked the obvious honest, hardworking, and honourable conduct of Judge Begbie of whom it was well known was sensitive to First Nations and spoke several indigenous languages. It has also been pointed out that the jury found guilt and the sentence was mandatory. Only the Governor could commute and he did not. Begbie would be an excellent Bencher (if only his statue was still amongst the Society's abode).

I have some doubts that the Benchers or perhaps the Law Society's "bureaucracy" has become bored and run out of work. The newest "pilot project" so-called: "Law Firm Regulatory Pilot Project" is mostly unintelligible, and I question its usefulness except as a make work "feel good" expensive and cumbersome exercise beyond my ken; nevertheless somehow endorsed by "progressive" organizers of which the bureaucracy appears to have many. Law firms large or small should adhere to ascertainable regulatory requirements, but ought not to be left to fend their way through a mix of loose jargon and feel good advice.

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**HOLMAN, Maria T.**

Called to the Bar: 1987

Webster Hudson & Coombe LLP

Email: mth@webhudco.ca

**BIOGRAPHICAL INFORMATION**

I am a solicitor with 31 years of experience, practicing in the area of wills, estates and trusts, succession planning, real estate and corporate law. I also have a background in privacy law and electronic business law.

**CREDENTIALS:**

- University of British Columbia, LL.B., 1986
- York University (Osgoode Hall Law School), LL.M. 2002 (e-Business Law)
- Year of Call: 1987 (B.C.)

**PROFESSIONAL MEMBERSHIPS:**

- Member, Estate Planning Counsel of Vancouver
- Canadian Bar Association member, Wills and Trusts Subsection

**VOLUNTEER AND OTHER ACTIVITIES:**

- Women Lawyers Forum mentorships
- Past board member and past chair of the Kettle Friendship Society, a Vancouver based society which advocates for people living with mental health challenges
- Speaking at continuing legal education seminars
- Teaching at the community college level
- Volunteer gardener, Vancouver Green Spaces
- Blogger

**ELECTION STATEMENT**

Having spent the first three years of my practice as a sole practitioner, and thereafter working with firms ranging in size from 4 lawyers up to 55 lawyers, I have a good sense of what it means to practice law in a wide range of settings.

I spent the first 10 or so years of my career doing both solicitor's work and litigation, so I have an appreciation of the problems inherent in trying to do both. Ultimately, I chose to focus exclusively on a solicitor's practice.

I would bring to the position of Benchers the perspective of seeing many changes over a period of 30+ years, both in society's attitudes toward the profession and within the profession itself. The pervasive availability of information and misinformation online, and the rise of social media are propelling further changes in how law is delivered to the public. Therefore, I believe my knowledge of privacy law and online commerce would be an asset to the governance of the profession.

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## **LEE, Kyla**

Called to the Bar: 2012

Acumen Law Corporation

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Website: [www.kylaforbencher.com](http://www.kylaforbencher.com) / [www.kylalee.ca](http://www.kylalee.ca) /  
[www.vancouvercriminallaw.com](http://www.vancouvercriminallaw.com)

### **BIOGRAPHICAL INFORMATION**

Kyla Lee is a partner at Acumen Law Corporation. Kyla routinely appears in all levels of court in BC, and has presented impaired driving and roadside prohibition cases at the SCC. She is known for her tireless advocacy, often succeeding in seemingly unwinnable cases.

Kyla is passionate about legal education and awareness. She routinely provides commentary for major media outlets, including CBC, GlobalBC, CKNW, News1130, CTV, Bloomberg News Network, and others. Kyla writes regular opinion columns for *Vancouver Is Awesome* and *Huffington Post*. Kyla's legal education activities also include her weekly podcast, *Driving Law* and her weekly video series, *Cases That Should Have Gone to the Supreme Court of Canada, But Didn't!*

An outspoken defender of *Charter* rights and the rule of law, Kyla Lee has appeared before the House of Commons Justice and Human Rights Committee three times, and before the Standing Senate Committee on Constitutional and Legal Affairs, to provide expert testimony about various government bills.

In addition to legal education and advocacy activities, Kyla volunteers as a mentor with the Canadian Bar Association, and lectures to the UBC Indigenous Community Legal Clinic bi-annually. Kyla has also funded a scholarship at UBC for Indigenous Law students.

### **ELECTION STATEMENT**

As one of the younger candidates running in this by-election, I will bring a fresh voice for a large section of our profession that often does not have a voice. Young lawyers face particular challenges as they navigate the nuances of our profession and its ethical obligations. I am able to reflect on my own experiences as a young lawyer in providing guidance and assistance to those in need.

As a criminal lawyer, I see every day the unique challenges that my clients face, often as a result of impossible situations. I have seen how a single mistake in judgment can lead to someone facing serious criminal charges. I know that lawyers who are facing discipline are often doing so as a result of similar circumstances. My work with impaired driving clients also gives me special insight into the challenges faced by individuals who are drug or alcohol addicted.

If elected, I will work to provide more and better resources to those who are struggling due to addiction or other mental health issues. My Métis heritage has given me first-hand experience of the unique challenges faced by Indigenous lawyers. I will also passionately advocate in favour of reconciliation activities that the Law Society can undertake to ensure that voices of the Indigenous community are properly represented in the Society.

My experience in administrative law, arguing RoadSafetyBC tribunal decisions at all levels of court in Canada, has given me a solid background in administrative law, which will be of assistance in disciplinary hearings. I have also served previously on the Trial Lawyers Association of British Columbia Executive Committee. I am also currently a member of the TLABC Criminal Law Committee, and as such have experience with committee and executive work and its demands.

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**MCQUEEN, Jacqueline**

Called to the Bar: 1995 (Ontario)  
1996 (BC)  
2001 (New Zealand)

Aaron Gordon Daykin Nordlinger LLP

Email: [jmcqueen@agdnlaw.ca](mailto:jmcqueen@agdnlaw.ca)

**BIOGRAPHICAL INFORMATION**

I grew up in BC. I completed my B.A. at York University and my LL.B. at Osgood Hall Law School (1993). I was called to the bar in Ontario in 1995, BC in 1996 and New Zealand in 2001. I currently practice 100% family law, but have practiced family law and general civil litigation in both small and mid-sized firm settings. I am a qualified family law mediator and a partner at Aaron Gordon Daykin Nordlinger LLP, a boutique family law firm in Vancouver. I am mother to three boys.

I have been an active volunteer in the legal profession and community. I have been involved in a variety of CBA Vancouver subsections, including at the executive level. I have been a mentor through the CBA Women Lawyers Forum, and informally. I have volunteered with CLEBC as a contributing author to Annotated Family Practice and as a course presenter. I have participated as a moot court judge in the PLTC program and in pro-bono legal advice programs.

I have also acted as a board member to community organizations, including 365 Give, a registered not-for-profit that encourages children to give back every day.

**ELECTION STATEMENT**

I wish to contribute to the profession and the community. By participating as a Bencher, I would seek to bring a thoughtful, measured and compassionate approach to governance issues and bring my ideas and energy to the challenges facing all of us as professionals.

Access to justice is a significant concern, and ongoing efforts are required on a variety of tracks. Critically, those providing legal advice must be competent to do so. I believe that sound and measured information and advice in the early stages of a dispute set the expectations of the participants and are critical to putting participants on a course towards a just and durable resolution and not ongoing conflict. We are in an era where information is easy to come by, but judgment and analysis is not – lawyers have a unique role in filling this gap.



As someone who has qualified and practiced in three jurisdictions, I have a strong interest in the credentials process, and the function of the Law Society in ensuring that those offering legal services have the knowledge, skill set, ethical grounding and judgement required to effectively advance the interests of those who rely on them.

I believe those established in the profession need to provide assistance to new lawyers to ensure they receive the practical training, mentorship and support needed to develop into productive professionals, who are able to fulfill the unique role of advocates in an increasingly complex environment and who are less likely to drop out of practice. Providing this support will ensure a more diverse and representative bar, with higher levels of career satisfaction for all of us. I hope to continue to work with new lawyers at the outset of their careers.

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## **FESTINGER, Jon, QC**

Called to the Bar: 1982

Festinger Law & Strategy

Email: [jfestinger@telus.net](mailto:jfestinger@telus.net)

### **BIOGRAPHICAL INFORMATION**

- LL.B., B.C.L. 1980 (McGill University)
- Member, Rule of Law and Lawyer Independence Advisory Committee (June 2014 – present)
- Currently practicing through Festinger Law & Strategy in the areas of digital media, entertainment, communications and creative freedoms.
- Previously in private practice with Owen, Bird; Davis & Company; and Koffman Kalef.
- Began in private practice, subsequently becoming General Counsel of WIC Western International Communications, Senior Vice President of the CTV Television Network, and Executive Vice President, Business & General Counsel of the Vancouver Canucks.
- Currently, Chair of viaSport British Columbia; Vice Chair of The IBD Centre of British Columbia; Trustee, BC Sports Hall of Fame; Past-Chair of Ronald McDonald House British Columbia (until May, 2018).
- Currently, Faculty at the Centre for Digital Media; Professor of Professional Practice at Simon Fraser University; Adjunct Professor, Allard School of Law; Faculty-in-residence UBC Emerging Media Lab; Sessional Lecturer, TRU Faculty of Law; and Honorary Industry Professor in the Centre for Commercial Law Studies, Queen Mary University of London (U.K).
- Author of the first edition of “Video Game Law” published by LexisNexis in 2005, co-author of the 2nd Edition published in 2012. Co-Editor of the Interactive Entertainment Law Review (1<sup>st</sup> issue, June 2018) published by Edward Elgar Publishing.

### **ELECTION STATEMENT**

**Well rounded in the law and lawyering:** My legal, business, and academic experiences have focused on the expressive and creative aspects of the media and communications industries, involving areas as diverse as freedom of expression, contempt of court, defamation, administrative law and all aspects of intellectual property. This legal

foundation has been supplemented by several decades of practical experience in contracts, corporate, commercial and securities law which has always required extensive analysis, research, negotiations and strategy, all split somewhat evenly between in-house/corporate and private practice.

**Business experience an asset in helping the profession determine our future:** My business experiences have taught me the critical importance of considering and applying principles of fairness, thoughtfulness and propriety in a practical way to create motivated, humanly satisfying, and financially profitable enterprises. In my view these principles are more crucial to economic success than are widely appreciated. Perhaps most importantly, I have come to value the joy of individuals working together in pursuit of a common vision, despite the constraints and pitfalls that can accompany such a journey. It is often seen as trite but, in the end, my lessons learned all confirm the truism that “it’s all about people”.

**Caring deeply about the challenges the digital future presents to us as lawyers:** My career has spanned times of explosive growth in communication technologies. The pace of change and the changes themselves have always provided great professional opportunities, inspiration and the need for reflection. Through practicing, teaching, and writing, I have over the years done my best to chronicle (from a mostly legal perspective) the powerful and continuous evolution of the media and digital revolutions. Underlying all of my efforts has been a deep curiosity regarding the roles and responsibilities of legal infrastructures.

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**THOMAS, Michael**

Called to the Bar: 1999

Harper Grey LLP

Email: mthomas@harpergrey.com

## **BIOGRAPHICAL INFORMATION**

I grew up in White Rock, B.C. and obtained a B.A. (1990), M.A. (1991), and LL.B (1998) from Queen's University. I articulated at Harper Grey Easton in 1998, was called to the bar in 1999, and have practiced at Harper Grey LLP ever since. I have appeared at all levels of court in B.C., the Federal Court, the Supreme Court of Canada, and various administrative tribunals.

I am chair of Harper Grey LLP's Critical Injury Practice Group which represents people who have suffered significant injuries. I also represent physicians in medical malpractice actions.

I have written books on Insurance Law, and Administrative Law; edit the B.C. Limitations Act; and update the chapter on UMP in the B.C. Motor Vehicle Accident Claims Practice Manual.

I am in the process of organizing a summit where medical professionals and sport agencies will convene to promote participation in amateur sport and address sport related concussions.

## **ELECTION STATEMENT**

There are two issues that I would like to address as a Benchers:

1. **Improving Access to Justice.** The Law Society has been active in finding ways to enhance access to justice through its policy development, rule reform and strategic planning. They have also actively supported Access to Justice BC and the Justice Summit. In my view more could, and should be done on this issue.
  - If elected, I would commit to exploring ways that the Law Society could address the current proposal to restrict the ability of people injured in motor vehicle accidents to bring civil claims for soft-tissue injuries

**2. Reviewing Advertising for Legal Services & the Payment of Referral Fees.**

There has been a significant increase in advertising for legal services in Vancouver on radio, t.v., stadiums, social media, buses and washrooms.

- If elected, I would focus on instigating a review of the various advertising and referral fee practices in the Province and of the Rules in the Code of Professional Conduct as was conducted in Ontario last year.

I am proud to be a lawyer and care about the future of the practice of law. It would be a privilege to have the opportunity to help shape our profession as a benchler.

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