

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *The Law Society of British Columbia v.*
Goodwin,
2013 BCSC 537

Date: 20130328
Docket: S67804
Registry: Nanaimo

Between:

Law Society of British Columbia

Petitioner

And

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

Respondents

Before: The Honourable Mr. Justice Greyll

Reasons for Judgment

Counsel for the Petitioner:

M. Kleisinger

Appearing on behalf of the Respondents,
Ralph Goodwin:

In Person

Place and Date of Trial/Hearing:

Nanaimo, B.C.
March 5 and 7, 2013

Place and Date of Judgment:

Nanaimo, B.C.
March 28, 2013

Introduction

[1] The petitioner, the Law Society of British Columbia ("Law Society"), applies for an injunction to permanently prohibit and enjoin the respondent Ralph Charles Goodwin, a.k.a. Yuxweletun, and the respondent Gaia-Watts Enterprises Ltd. ("Gaia-Watts"), doing business as Touchstone Committee and Touchstone Committee Law Institute ("Touchstone"), from engaging in the practice of law. The Law Society brings this petition pursuant to subsections 85(5) and (6) of the *Legal Profession Act*, S.B.C. 1998, c. 9 [Act].

[2] This petition arises out of the Law Society's investigations into complaints of Mr. Goodwin offering and providing legal services for a fee.

[3] Mr. Goodwin's response to this petition challenges the inherent jurisdiction of this Court. He argues that the laws of Canada and its provinces do not apply to him and that I, as a judge of the Supreme Court of British Columbia, do not have jurisdiction to hear and decide this application.

[4] It is Mr. Goodwin's position that Canada, which he referred to as Turtle Island North of the 49th Parallel, as represented by the Queen, was unlawfully occupying sovereign territories historically populated by "Original Indigenous Peoples". He maintained in his response to the petition that these territories are not conquered:

No nation-to-nation treaties between Elizabeth II and the Original Indigenous Peoples of these territories are registered at the United nations (sic) in New York; as is required by Charter obligations; no UN Security Council resolution is on record; permitting Elizabeth II to enter these territories in question and to exercise governing authorities.

[5] Mr. Goodwin advised the Court that he made appearance "under protest as a prisoner of war". The British Columbia Supreme Court in his view was a "legal fiction". I had no legal authority to deal with this application unless I could provide a treaty establishing my jurisdiction. He requested that I "forthwith recuse" myself and "abandon this territory as the hereditary chief had not authorized me to enter the territory."

[6] Mr. Goodwin applied for a province-funded counsel to represent him, although he expressed concern that any lawyer called to the British Columbia legal professional bar would have expressed an oath of allegiance under the provisions of the *Act*.

[7] I informed Mr. Goodwin on several occasions that the Court did have the jurisdiction to hear and determine the Law Society's petition. I informed him that I did not accept his jurisdictional argument. I encouraged Mr. Goodwin to address the merits of the Law Society's submissions. Mr. Goodwin declined these invitations but he did offer the following comments:

1. his title of "Law Speaker" apparently emanates from Scandinavian custom dating back 1000 years. This title confers special rights on a person to interpret custom and laws;
2. while he did not have a law degree, he took "law studies" as part of his coursework in economics. Those studies examined the Canadian legal system;
3. his title "Chancellor of Laws", which he uses in his correspondence and on his website for his services, was "bestowed" on him by a hereditary chief in Saskatchewan;
4. Mr. Goodwin claims that 60% of aboriginals appearing before the courts have little or no money to afford a lawyer. He maintains he has never charged a fee for the representation he has provided; he has simply helped out friends in need;
5. he claims he has been adopted by a hereditary chief of the Cowichan Tribes and that he has represented several hereditary chiefs, who he claims were present in court for the hearing of this matter; and
6. the Court was on trial.

[8] This vexatious conduct is an important contextual element of this case. It seems Mr. Goodwin is using his legal services to put forward his own agenda challenging the Canadian legal system. Both his arguments before this Court and his conduct at issue in this matter reflect his total disregard for the Canadian justice system.

[9] The facts asserted by the Law Society are not contested. Mr. Goodwin filed no affidavit material in response to the Law Society's application. The submissions of Mr. Goodwin, to the extent that they are relevant at all, are not evidence.

[10] Accordingly, I must determine whether Mr. Goodwin has contravened or will contravene the *Act* and whether an injunction may be granted.

Background

The Respondents

[11] Mr. Goodwin is the sole officer and director of Gaia-Watts. Touchstone is the vehicle through which Mr. Goodwin offers his services as a legal counsel. Mr. Goodwin is not and has never been a member of the Law Society. Nor has Gaia-Watts ever been a law firm or law corporation registered with the Law Society.

[12] Despite the fact that Mr. Goodwin is not a registered lawyer with the British Columbia professional bar, he refers to himself as "Law Speaker" and as "Chancellor of Laws". Mr. Goodwin also uses the title Yuxweletun" which means "bald eagle". He claims he was adopted into the Cowichan Tribes in 2008, at which time he was bestowed with this honorary title.

[13] This latter claim is disputed by the Cowichan Tribes, who have eschewed relations with Mr. Goodwin. Thulamiye, a.k.a. Maureen Tommy, general manager of the Cowichan Tribes, swore an affidavit on November 1, 2012 deposing that Mr. Goodwin is not a registered member of the Cowichan Tribes and that he is not recognized as a "member" in accordance with their membership code. She affirms Mr. Goodwin is not an adopted member, as he asserts. She deposes that "Yuxwuletun" (her spelling) is not a name traditionally given to Cowichan Tribes'

members. To her knowledge, Mr. Goodwin has not been bestowed with any special or official designation by the Cowichan Tribes. Nor has he been bestowed with authority to act on their behalf.

Mr. Goodwin's Correspondence with the Law Society

[14] In 2008, Mr. Goodwin became interested in opening a law firm on the traditional territory of the Cowichan Tribes. He first contacted the Law Society on January 4, 2008 via email. I note he also addressed this email to a number of secondary recipients, including the Prime Minister of Canada, the British Columbia Premier, Chief Hwitsum of the Council of Cowichan Tribes and the Assembly of First Nations.

[15] His inquiry opened with the following subject line:

Intent of to Gaia-Watts Enterprises Ltd / Touchstone Committee
<a division within Gaia-Watts> establish a **practice of law office** on the
traditional territory of non-treatied Cowichan Tribes Coast Salish State Nation
land

[Emphasis in original.]

[16] Mr. Goodwin then posed two questions:

1. whether the Law Society claimed regulatory jurisdiction for the practice of law in Cowichan Tribes Coast Salish State Nations territories (he notes these territories are not treated and “not relinquished”); and
2. in the event the Law Society claimed jurisdiction, the basis for that regulatory authority.

[17] The Law Society responded to Mr. Goodwin on January 22, 2008. It advised him that subject to limited exceptions, only lawyers can practice law, referring to ss. 1, 15 and 85 of the *Act*. It further noted “[a]s I am sure you can appreciate, an untrained, unregulated and uninsured person could cause a great deal of harm to a client and the client could be left without any recourse.” The email went on to inform Mr. Goodwin that the Law Society “will usually take steps to protect the public from

the unauthorized practice of law unless there are special circumstances that might take the case out of the ordinary.”

[18] Two years later, on February 1, 2010, Mr. Goodwin again emailed the Law Society, addressed to a host of secondary recipients, including the Union of British Columbia Chiefs, the UN General Assembly, Queen Elizabeth II and the Prime Minister of Canada.

[19] In this email, Mr. Goodwin asked for clarification in regard to the following “questions” of law and jurisdiction:

In the absence of a Treaty with the traditional, customary and non-relinquished (freely or by consequence of war) indigenous peoples of the Turtle Island North - i.e., North America, north of the 49th parallel - does the Elizabeth II-Queen, British Columbia of Canada install by statute

(A) Any Act and Regulatory authority upon the Law Society of British Columbia, or other legally enforceable instrument, wherein this said society is authorized to regulate persons who

- I) Offer forward to individuals, organizations, or other bodies in British Columbia
 - a) Opinions in the matters of applicable law, whether
 - 1) Non-compensable; or,
 - 2) For a fee

In the event that the Law Society of British Columbia finds that it does possess any such duty of regulation and enforcement by statute or some other means to regulate non-lawyers in matters as related to the issues supra; then, please, advise this writer as a matter of courtesy. A response in either case is appreciated.

[20] The Law Society responded on February 4, 2010, indicating that these questions were similar to the questions he had posed in his email sent to the Law Society in January 2008. He was forwarded a copy of that response.

[21] Mr. Goodwin was clearly on notice of the Law Society’s position on unauthorized legal services.

[22] The evidence proffered by the Law Society, reviewed below, suggests that Mr. Goodwin was in fact presenting himself as legal counsel as of 2009.

[23] It is not exactly clear when the Law Society began to investigate Mr. Goodwin. However, it is clear that in both November and December 2011, Mr. Goodwin was advised by the Law Society that it believed he had breached provisions of the *Act*. It twice sought an undertaking and covenant from Mr. Goodwin that he would agree not to engage in the practice of law. Mr. Goodwin did not respond to the Law Society's requests.

[24] The Law Society brought this petition on November 15, 2012.

Law

[25] The Law Society is required under s. 3 of the *Act* to uphold and protect the public interest in the administration of justice. This provision has been interpreted to include ensuring that persons who are unqualified are not given the right to practice law: *Law Society of British Columbia v. Gorman*, 2011 BCSC 1484 at para. 2.

[26] The Law Society alleges Mr. Goodwin and the other named respondents have been carrying on the practice of law contrary to the provisions of ss. 15(1), (4) and (5) of the *Act*. Those subsections provide as follows:

Authority to practise law

15 (1) No person, other than a practising lawyer, is permitted to engage in the practice of law, except

(a) a person who is an individual party to a proceeding acting without counsel solely on his or her own behalf,

...

(4) A person must not falsely represent himself, herself or any other person as being

(a) a lawyer,

...

(5) Except as permitted in subsection (1), a person must not commence, prosecute or defend a proceeding in any court.

[27] Subsection 1(1) of the *Act* defines the practice of law as including:

(a) appearing as counsel or advocate,

...

- (c) doing an act or negotiating in any way for the settlement of, or settling, a claim or demand for damages,
- (d) agreeing to place at the disposal of another person the services of a lawyer,
- (e) giving legal advice,
- (f) making an offer to do anything referred to in paragraphs (a) to (e),
- (g) making a representation by a person that he or she is qualified or entitled to do anything referred to in paragraphs (a) to (e),

but does not include

- (h) any of those acts if performed by a person who is not a lawyer and not for or in the expectation of a fee, gain or reward, direct or indirect, from the person for whom the acts are performed,

... .

[28] Section 85 provides:

Enforcement

85 (1) A person commits an offence if the person

- (a) contravenes section 15, or

... .

(5) The society may apply to the Supreme Court for an injunction restraining a person from contravening this Act or the rules.

(6) The court may grant an injunction sought under subsection (5) if satisfied that there is reason to believe that there has been or will be a contravention of this Act or the rules.

[29] The statutory test set out under s. 85(6) was discussed by Madam Justice Dardi in *The Law Society of British Columbia v. Targosz*, 2010 BCSC 969:

[40] With respect to the relief sought by the Law Society, the statutory test is prescribed by s. 85(6) of the *Legal Profession Act*. In *Law Society of British Columbia v. Grimwood* (24 February 2005), Vancouver L032736 (S.C.) at para. 9, Stewart J., after citing that section, observed:

Note how little the Law Society need establish to obtain an injunction ordering someone not to do that which they are not permitted to do as a matter of law, in any event.

[41] The Law Society need only establish that there is “reason to believe” that there has been or will be a contravention of the *Legal Profession Act*. The court must have reasonable grounds for such a belief. This must be assessed objectively and must be supported by the evidence. It requires more than

mere suspicion but less than proof on a balance of probabilities: *Mugesera v. Canada (Minister of Citizenship and Immigration)*, 2005 SCC 40 at para. 114.

[42] The threshold for making out a case for an injunction is thus a low one. As the Court observed in *Grimwood*: the injunction merely operates to prohibit breaches of the statute, which is impermissible conduct in any event. Regarding the latter, s. 3 of the *Legal Profession Act* stipulates that the Law Society's paramount object and duty is to uphold and protect the public interest in the administration of justice and, in so doing, to regulate the practice of law.

[43] The form of consideration required to constitute the "practice of law" according to the *Legal Profession Act*, has been broadly interpreted by the courts as the receipt of fees or another type of benefit "such as promise of future business, gifts or favours": *Law Society of British Columbia v. McLaughlin*, [1992] 70 B.C.L.R. (2d) 235 (S.C.) [*McLaughlin*].

[30] In sum, the Law Society must establish that Mr. Goodwin has engaged in the practice of law, as defined under s. 1, thereby contravening s. 15 of the *Act*. In doing so, it must prove there is reason to believe that Mr. Goodwin has or will offer to perform legal services for or in the expectation of a fee, gain or reward, directly or indirectly from the person for whom the services are offered/provided. This belief must be assessed on an objective basis and supported by the evidence. It is a low threshold to meet.

Evidence

[31] The Law Society has tendered evidence to support its argument that Mr. Goodwin has engaged in the practice of law or has offered to perform legal services for or in the expectation of a fee.

[32] The Law Society points to several legal proceedings where Mr. Goodwin acted as counsel. It also points to his website, which offers legal services in various areas of practice.

[33] The Law Society demonstrates "expectation of a fee, gain or reward" with printouts from Mr. Goodwin's website for his legal services. These web pages describe his policy on fees for service and provide links to the contracts for fee payment.

Evidence that Mr. Goodwin Provided or Offered to Provide Legal Services

1. Touchstone's Website

[34] The Law Society has filed various extracts from Touchstone's website that support the conclusion the respondents are offering legal services.

[35] The Touchstone web page entitled "NATURAL JUSTICE: Paralegal Advocacy & You" reads:

Administrative law is that section of jurisprudence that we strive to specialize in through our advocacy rules - making sure that the system works; is available: and, in particular, that it has not established a series of barricades and road blocks in order to frustrate the party who is striving to reap the benefits that are due to them.

Do not underestimate the flexibility of our imagination. And, further, do not presume that currency will be a barrier to our advocacy. Money always features itself as a principal actor in any dispute. But, the Touchstone Committee - having been active for the last 32 years - does commit itself to one cardinal rule: we will always strive to ensure that equal amounts of funding are available for our client in any confrontation; and, we will develop those treasuries where the client is impoverished.

...

The Touchstone Committee advocates both public and private issues.

[Emphasis added.]

[36] Under a "Litigation Summary Index" web page, Touchstone advises that it offers services in a number of different practice areas:

now authorzied (sic) to proceed on advocating forward into a court of competent jurisdiction the individual and group complaints:

Section 1: Fundamental Human Rights

Section 2: Civil & Contract Law

Section 3: Criminal

[Emphasis in original].

[37] Touchstone has actively advertised its advocacy services to the Cowichan Tribes through a division of Touchstone called “Cowichan Tribes Advocate Services”. Its website provides a brief summary of the purpose of that division:

We are a division of the Touchstone Committee Law Services CLT, commonly known as TC75; and, which has been successfully advocating law and human rights issues before a wide variety of tribunals and courts since 1975 in Canada, the USA; and, before the United Nations and its International Court of Justice at the Hague.

[38] It seems this outreach to the Cowichan community has garnered members' attention. Mr. Goodwin has acted in several legal matters on behalf of aboriginal clients, which I will now summarize.

2. Peter Joseph Seymour

[39] Mr. Seymour was charged on March 4, 2009 with wilfully neglecting and failing to provide food, water and care for an animal, contrary to s. 446(1)(b) of the *Criminal Code*, R.S.C. 1985, c. C-46 [Code]. He was further charged with causing animals to be in distress, contrary to s. 24(1) of the *Prevention of Cruelty to Animals Act*, R.S.B.C. 1996, c. 372.

[40] Mr. Goodwin represented Mr. Seymour and he appeared in Provincial Court in Duncan on a number of occasions in 2009 and 2010 on Mr. Seymour's behalf.

[41] Mr. Goodwin filed an application challenging the court's jurisdiction over the matter on October 6, 2009. When he attempted to appear as counsel for Mr. Seymour on November 17, 2009 before the Provincial Court, he raised this jurisdictional claim, which I have excerpted here:

6 THE CLERK: Calling number 63, is the Seymour matter,
7 Peter Joseph Seymour.
8 RALPH GOODWIN: Good morning. My name is Ralph Goodwin
9 and I'm appearing for Peter Seymour.
10 THE COURT: Are you a lawyer?
11 RALPH GOODWIN: What is a lawyer? I'm a law speaker.
12 THE COURT: A lawyer. Are you a lawyer?
13 RALPH GOODWIN: I'm a law speaker.
14 THE COURT: Okay. I need -- Mr. Seymour has to speak
15 for himself if you are not a lawyer.
16 RALPH GOODWIN: Who are you?

17 THE COURT: I'm a justice of the peace.
18 RALPH GOODWIN: And what is that?
19 THE COURT: I am a justice of the peace appointed by
20 the Provincial court, by the Chief Judge of the
21 province, to sit up here.
22 RALPH GOODWIN: And under what authority does the
23 province give --
24 THE COURT: Mr. -- sir --
25 RALPH GOODWIN: Excuse me.
26 THE COURT: -- no, I am not going to argue --
27 RALPH GOODWIN: You need to establish authority here.
28 THE COURT: No. I am not going to argue about you with
29 this [sic].
30 RALPH GOODWIN: Well, excuse me, this gentleman is
31 rising, he's a --
32 THE COURT: Mm-hmm.
33 RALPH GOODWIN: -- para -- paramilitary officer on
34 behalf of Elizabeth the second.
35 THE COURT: Mr. --
36 RALPH GOODWIN: And he is trespassing, as well as you
37 and the Crown. This is Ruby Peters, she is the
38 legal authority here. You have no authority here.
39 You are requested and required to bring forth the
40 treaty that establishes your authority --
41 THE COURT: Sir --
42 RALPH GOODWIN: -- you have no authority.
43 THE COURT: Sir --
44 RALPH GOODWIN: Do you not hear me?
45 THE COURT: -- if you want to bring -- sir --
46 THE COURT: Sir!
1 RALPH GOODWIN: Do you not hear me?
2 THE COURT: Sir, you can take --
3 RALPH GOODWIN: Do you not hear me?
4 THE COURT: I'm asking you to leave now.
5 RALPH GOODWIN: What authority do you have to command
6 me to do anything?
7 Excuse me? What authority do you have? [this last
comment is directed at the Sheriff]

Mr. Goodwin was then removed from the court by the Sheriff.

[42] Thereafter, Mr. Goodwin filed a number of written statements on behalf of Mr. Seymour challenging the court's jurisdiction seeking dismissal of the charges. On November 24, 2009, Mr. Goodwin sent a "Statement of Objection & Motion For Dismissal of Crown Charges" to Queen Elizabeth II. On that same day, Mr. Goodwin filed an "International Law Complaint Of Violation Of Fundamental Justice" to the UN General Assembly and UN Human Rights Commission on behalf of Mr. Seymour.

[43] As the trial of Mr. Seymour approached, Mr. Goodwin addressed a letter to the UN General Assembly, UN Security Council and UN Human Rights Commission on July 5, 2010 regarding Mr. Seymour. Mr. Goodwin sent this letter on Touchstone letterhead, marked “without prejudice” on behalf of “CLIENT PJS2009”. He indicated that he was Mr. Seymour’s chosen advocate. He requested that the UN enter the “conflict” (trial) as intervener to protect and preserve the fundamental provisions of justice. He adverted the trial was scheduled to begin on August 5, 2010.

[44] On July 6, 2010, Mr. Goodwin sent a letter to the Duncan Registry, notifying the Provincial Court:

LEGAL COUNSEL IN CANADA IS UNWILLING TO ARGUE THE POSITION
OF DEFENCE RESPONSE BEING THE ABSENCE OF TREATY;
THEREFORE, AN INTERNATIONAL LAW FIRM BASED IN THE UNITED
STATES IS BEING PETITIONED TO ASSUME THE POSITION OF LEGAL
COUNSEL ASSOCIATE WITH THE TOUCHSTONE COMMITTEE
LAWSPEAKER INTERNATIONAL ADVOCATE.

[45] The letter was sent in the name of Mr. Seymour.

[46] On July 21, 2010, the Honourable Judge Wishart permitted Mr. Goodwin to make submissions on the issue of the court’s inherent jurisdiction to hear the trial of Mr. Seymour. Before doing so, Wishart P.C.J. confirmed with Mr. Seymour that he was aware Mr. Goodwin was not a lawyer licensed to practice in British Columbia, that he had the ability to have a lawyer represent him and that he wished to proceed with Mr. Goodwin representing him.

[47] Not surprisingly, Wishart P.C.J. found she had jurisdiction to hear the criminal trial for Mr. Seymour.

[48] Mr. Seymour’s case proceeded to trial and Mr. Goodwin continued to act as counsel. Mr. Goodwin brought a *Charter* application in the course of this trial. He took issue with the voluntariness of Mr. Seymour’s statements. He argued that the officer who attended Mr. Seymour’s property had no legal authority to do so and that her attendance had amounted to an unlawful detention. Finally, he submitted

that the aboriginal status of Mr. Seymour should have affected the actions taken by the police.

[49] In her decision dismissing these arguments, Wishart P.C.J. found that Mr. Goodwin's submissions were "simply not the law" and had "absolutely no merit whatsoever". Mr. Goodwin was then provided with an opportunity to make closing submissions on whether Mr. Seymour should be convicted of the offences. Wishart P.C.J. stopped him several times, pointing out there was no evidentiary foundation for a number of his submissions.

[50] Mr. Seymour was convicted on three counts.

3. Benjamin Peter

[51] Mr. Peter was charged with failing to provide a breath sample to a police officer, contrary to s. 254(2)(b) and 254(5) of the *Code*, on October 21, 2010.

[52] Mr. Goodwin, describing himself as "Ralph Charles Yuxwuletun Goodwin", "Counsel for Applicant", filed a memorandum of argument on behalf of Mr. Peter in which he challenged the Provincial Court's jurisdiction over Mr. Peter. He stated "Mister Peter has chosen his LawSpeaker or legal counsel to be one not registered with the Law Society of BC as he has determined that the legal profession under British Columbia regulation is not trained in his traditional ways." [Emphasis in original.] Mr. Goodwin then alleged that Mr. Peter was a "prisoner of war" and he threatened to report any "accuser" participating in the trial to the prosecutor of the International Criminal Court in The Hague.

[53] In his written argument, dated May 11, 2011, which is marked "Without Prejudice" and "Errors & Omissions Excepted", Mr. Goodwin sought a number of orders. He requested that the Attorney General of British Columbia instruct the Crown to withdraw the allegations against Mr. Peter. He sought an order from the "British Columbia Court Office of the Chief Judge" to instruct the Provincial Court judge assigned to Mr. Peter's file to recuse himself. He asked for Canada to join with the Coast Salish Que'utsun Quamichan Nation Peoples to apply to the UN

International Court of Justice for the determination of the question of paramountcy of regimes in the absence of a treaty. He further sought for Canada to bring an application to the UN General Assembly to establish a supervisory tribunal to conduct treaty discussions between Elizabeth II and aboriginal peoples in Coast Salish territories. He stated that failure to accede to Mr. Peter's demands would result in an "urgent application" to the UN to provide economic sanctions, political leverage and military support, through UN peacekeeping forces, to restrain the Crown from acting against the accused.

[54] Mr. Peter's matter came on for hearing in Duncan on May 16, 2011 before the Honourable Judge Brooks of the Provincial Court in Duncan. Mr. Goodwin appeared on Mr. Peter's behalf and brought forward another inherent jurisdiction argument. The transcript reads in relevant part:

- 4 THE CLERK: Calling next, Your Honour, file number
5 33444, the matter of Benjamin Leo Peter.
6 THE COURT: Thank you.
7 RALPH GOODWIN: Good afternoon. For the record, my
8 name's Ralph Goodwin. I'm appearing as counsel on
9 behalf of Benjamin Leo Peter.
10 MR. PATOLA: Your Honour, I -- I don't believe that Mr.
11 Goodwin is called to the bar or authorized to
12 practice in British Columbia and as such, I'm not
13 sure what standing he has before the court.
14 THE COURT: Sir, are you counsel?
15 RALPH GOODWIN: I am his counsel and agent, yes.
16 THE COURT: No. You've --
17 RALPH GOODWIN: I have appeared in these courtrooms as
18 counsel and agent on behalf of other parties under
19 criminal charges --
20 THE COURT: Are you a member --
21 RALPH GOODWIN: -- and civil charge --
22 THE COURT: -- of the bar?
23 RALPH GOODWIN: Of which bar?
24 THE COURT: Are you a member of the bar of the Law
25 Society of British Columbia?
26 RALPH GOODWIN: I don't believe I have to be, to be his
27 counsel and agent, according to Supreme Court
28 2001, *Law Society of B.C. v. Mangat*. It's not
29 required to be a member of the Law Society in
30 order to appear on behalf of counsel of another
31 person. I do not charge a fee.
32 THE COURT: Sir, you're not allowed to come before
33 these courts and say you're counsel when you're

34 not counsel. That much you are not permitted to
35 do.
36 RALPH GOODWIN: Are you referring to, sir -- I see a
37 plaque up on the board there that says you're a
38 representative of the Crown and I don't believe
39 that you have authority that -- a person of
40 authority is in the courtroom here and she hasn't
41 given you permission to come here and form court.
42 THE COURT: Sir, I am beginning to be of the view that
43 your only -- the only result of your attendance
44 here will be to disrupt proceedings as it relates
45 to a criminal matter between Her Majesty the Queen
46 and Benjamin Leo Peter and I will not have you
47 disrupt proceedings.
1 RALPH GOODWIN: Sir, are you a military judge?
2 MR. PATOLA: Your Honour, if I might interject --
3 THE COURT: Thank you.

[Emphasis added.]

[55] Brooks P.C.J. refused to permit Mr. Goodwin to appear. He delivered reasons so that Mr. Peter would understand why he had refused to allow Mr. Goodwin to speak to the matter. His reasons, which are worthy of note, were as follows:

- [1] THE COURT: So just so you understand, Mr. Peter, that is one thing that I take into account, but of course, as a judge, I have a number of things to take into account. Things I have to really take into account are whether to permit a person to appear as agent or not, and obviously I am not required in any way, shape, or form to just accept anybody who walks forward.
- [2] What has occurred in this case is significant, for the questions that I have asked Mr. Peter are questions that I think arise as a result of what was suggested by the Ontario Court of Appeal in *R v. Romanowicz*. In that case, it was suggested that a judge should ask of a person certain questions, in order to determine the extent to which they wish to have that person speak for them.
- [3] The ultimate issue for a court is to determine whether it is consistent with the proper administration of justice to have an agent speak on behalf of a person. It is ultimately something which rests with this court to make that decision. I have considered the decision I have already referred to, and I rely on the following things as very important to my decision.
- [4] First of all, when this case was called, Mr. Goodwin came forward and introduced himself as counsel. He is not counsel. Counsel is a person who has received legal training and is a member of the bar. Mr. Goodwin coming before this court, and identifying himself in a way that was not true, gives this court a very significant concern about what happens with

an individual who appears as agent when they are not truthful with the court.

[5] Secondly, in the dialogue in which this case commenced, there was comment made to Mr. Goodwin about his background, and his background led to him asking questions of this court. Everyone knows that questions are not asked of a court, and secondly, the questions which were asked were irrelevant and barely coherent to the issues before this court.

[6] In short, to have a person such as Mr. Goodwin appear before this court would be inconsistent with the proper administration of justice. It would be something which would result not in a fair trial, or in assisting with a fair trial, but in a quite clearly unfair trial, and this is not to occur.

[7] Mr. Goodwin is not to appear or speak on this matter at all. So that is my ruling with regard to Mr. Goodwin speaking or appearing on this matter.

(RULING CONCLUDED)

[56] The trial was adjourned. Ultimately, Mr. Peter appeared on his own behalf for his trial and he himself raised the argument that the court did not have inherent jurisdiction to hear the matter. He was convicted.

4. Cowichan Royal Canadian Legion

[57] Claudia Parker, president of the Royal Canadian Legion Cowichan branch, swore an affidavit on September 21, 2012 deposing that in early 2011, she received complaints from members of her Legion branch that a member had been attending the hall in inappropriate attire and had made offensive comments. She wrote a letter to that member, dated May 20, 2011, asking the member to dress and act in an appropriate manner when attending the hall.

[58] On May 25, 2011, Ms. Parker deposed she received a registered letter from Mr. Goodwin, who described himself as the Legion member's "counsel". He also used the terms "Chancellor of Laws" and "Law Speaker" to denote his status in the letter. This letter was sent on the letterhead of Touchstone. It was marked "Without Prejudice". Mr. Goodwin asked that Ms. Parker expunge the letter that was sent to the Legion member forthwith or provide a response in writing within ten days

detailing specified information. Mr. Goodwin also stated that he considered compensatory and punitive damages to be in order.

[59] The president initially thought the letter was from a lawyer. Upon further inspection, she observed a reference to Turtle Island North and she requested that a representative of the Legion contact the Law Society.

5. Cowichan Tribes' Government Officials

[60] Ms. Tommy in her affidavit deposed that Mr. Goodwin has corresponded with the Cowichan Tribes Chief and administration staff, allegedly acting on behalf of community members, threatening litigation or complaints to various human rights organizations.

Payment of Fees

[61] The Law Society has no direct evidence of Mr. Goodwin or the other respondents charging a fee for services rendered. Instead, the Law Society has tendered printouts from the respondent's website as indirect evidence that they have offered legal services in expectation of a fee.

[62] The website "touchstonecommittee75.novae" contains a "Client Protocol Confidential Undertaking", which is clearly a fee agreement for legal advocacy services. The agreement goes on to provide:

Touchstone Committee shall perform its services for a fee, which will be applicable upon the completion of the file. No retainer or other monies shall be required from the Client during the development of the file issues. TC75 [Touchstone Committee] shall bear all costs related to development of the file by its offices up to the point of acceptable issues resolve; whereupon, the client agrees that the Fee-For-Service of **ZERO** % of the Gross Settlement shall apply and be paid to Touchstone Committee out of the proceeds of the settlement; and, prior to the settlement monies being paid forward to the client.

[Emphasis in original]

[63] Touchstone's website also contains a "Client Agreement Form" with the caption "Applicable Law For Arbitration Of Terms & Conditions is (sic) International Chamber of Commerce". The agreement provides the client "accepts that

Touchstone is a para-legal advocacy service". It also contains a similar clause to that referred to above, whereby Touchstone receives a fee for service of a certain percentage of the gross settlement before those funds are forwarded to the client.

[64] Mr. Goodwin is noted on the form as the chair of Touchstone and as the main contact person.

[65] On another web page entitled "**AIR SPACE RIGHTS: CSQQN PEOPLES CLASS ACTION**", this commentary appears:

CSQQN [Coast Salish Quw'utsun' Quamichan Nation] contends through a forthcoming Class Action at an international Tribunal of jurisdiction that Peoples of Turtle Island North / North America; Canada, specifically, possess unrelinquished governance regulatory rights of air space.

These claims include the contention that the Canada CRTC [or, any similar body] does not possess any such regulatory authority in the prevailing atmosphere of absence of Treaty.

Further, any taxation or fee is thus far collected by Elizabeth II /Agent Canada regarding the management and regulation of said air space provisions is the legitimate paramount claim of these said aboriginal indigenous Peoples of Turtle Island North; and, are due and payable forthwith through this Class Action, including interest.

Touchstone Committee (since 1975) is the authorized agent advocate counsel / speaker [per custom and tradition for hereditary Headmen and Clam Mothers) on these issues.

[Emphasis in original.]

[66] Yet another web page describes Touchstone as the advocate counsel/agent for the Coast Salish Quw'utsun' Quamichan Nation on a "series of legal pursuits", including class actions, seeking to recover "legal fees from legal counsel representing Indian Residential Schools Survivor Victims".

[67] It is reasonable to conclude that those plaintiffs that are members of that class action lawsuit have signed Touchstone's "Client Protocol" form, which calls for the payment of a percentage fee from the proceeds of the settlement. That form specifically refers to the class action that seeks recovery of legal fees from counsel representing residential school survivors, as described in the preceding paragraph.

[68] Touchstone's website includes a blank draft claim to be completed by surviving beneficiaries of aboriginal persons victimized and/or brutalized through their forced attendance of Indian residential/day school in Canada. The last line of the form reads "Signed in Agreement to Assign Touchstone Committee LawSpeaker International Chairperson, Ralph Charles Goodwin/Yuxwuletun as Advocate Representative on these matters as above".

[69] There are similar forms relating to potential claims on behalf of the "Children of Indian Residential School Victims" and "Children of Indian Day School Victim Survivors". Both name Mr. Goodwin as Law Speaker on behalf of a "Class Claim" against Elizabeth II.

[70] In the course of Mr. Goodwin's submission that he never charges a fee for his services, I drew his attention to the forms displayed on his websites. I asked Mr. Goodwin for a response. In my view, Mr. Goodwin skirted this question.

Analysis

[71] The issue in this case is whether the Law Society has established there is reason to believe the respondents have contravened or will contravene s. 15 of the *Act*.

[72] Mr. Goodwin filed no material in response to the Law Society's application.

[73] I am satisfied that the Law Society has established a clear and compelling case that Mr. Goodwin has provided and offered legal services for or in expectation of a fee.

[74] Mr. Goodwin held himself out to persons who have been criminally charged as a legal counsel. On behalf of those persons, he made legal submissions to the Provincial Court, including an allegation of *Charter* infringement. He also examined witnesses in court.

[75] Mr. Goodwin also used his false title of legal counsel to threaten civil proceedings. The letter he sent to the president of the Legion in Duncan had all the

hallmarks of a demand letter from a lawyer, although, not surprisingly, it lacked the usual courtesy that is expected of the legal profession. He has sent a number of similar letters to the Cowichan Tribes Council and its administration.

[76] The respondents' website clearly demonstrates they offer legal services for a fee. An obvious example is the web page advertisement relating to the class action lawsuit for recovery of residential school legal fees. This has a corresponding web page retainer agreement relating to that class action.

[77] The Law Society's responsibility to protect the public from the respondents' conduct is plainly engaged in this matter. I am particularly concerned by the misleading nature of Mr. Goodwin's representations to the community and his total disregard for the Canadian legal system, as reflected in his jurisdictional challenges. That is not to say that the Law Society must also demonstrate these elements when applying for an injunction under s. 85 of the *Act*. All the same, I wish to highlight the obvious dangers of Mr. Goodwin's conduct to the integrity of the legal system.

[78] Mr. Goodwin has relied upon the trust the public holds for lawyers to engage in bullying and threatening tactics. Furthermore, he has misled clients, who are mainly members of the Cowichan Tribes and likely vulnerable persons, as skilled in the practice of law.

[79] Mr. Goodwin has appeared in court, making representations that he is "counsel" and arguing complex legal issues in which he has no legal training, to the disadvantage of his clients. Of particular concern is his representation of accused, who faced serious penalties. His efforts to act as legal counsel for aboriginal interests have only injured those people he claims he seeks to protect.

[80] Moreover, Mr. Goodwin caused significant delay and added expense for the court and the Crown in those legal proceedings.

[81] It seems to me that Mr. Goodwin holds himself out as a lawyer as a means to promote his opinion on the Canadian legal system's lack of jurisdiction in various

matters relating to aboriginal people in the Duncan area. In my view, the respondent's conduct in doing so has been vexatious.

[82] It is sufficient to respond to Mr. Goodwin's jurisdictional argument by noting the comment of Mr. Justice Rooke in *Meads v. Meads*, 2012 ABQB 571 that a direct attack on the inherent jurisdiction of the court amounts to conduct that is inherently vexatious at para. 65. The history of the inherent jurisdiction of the superior courts is well established. Any challenge to the superior court's inherent jurisdiction faces two hurdles: (i) a rebuttable presumption that a court and a judge are authorized and (ii) the intrinsic authority of superior courts of inherent jurisdiction: para. 300.

[83] I find the Law Society has established an objective reasonable belief that Mr. Goodwin has and will continue to contravene s. 15 of the *Act*. Serious public interest concerns are engaged by the facts of this matter. Mr. Goodwin has used the title of counsel to harm the community. This conduct will not be tolerated.

Disposition

[84] The injunction is granted in the following terms:

1. Mr. Goodwin, a.k.a. Yuxweletun, until such time as he becomes a member in good standing of the Law Society and the respondent, Gaia-Watts d.b.a. Touchstone, are permanently prohibited and enjoined from:
 - (a) appearing as counsel or advocate;
 - (b) drawing, revising or settling
 - (i) a document for use in a proceeding, judicial or extrajudicial, and
 - (ii) a document relating in any way to a proceeding under a statute of Canada or British Columbia,
 - (c) doing an act or negotiating in any way for the settlement of, or settling, a claim or demand for damages;

(d) giving legal advice;

(e) making an offer to do anything referred to in paragraphs (a) through (d); and

(f) making a representation that they are qualified or entitled to do anything referred to in paragraphs (a) through (d)

for or in the expectation of a fee, gain or reward, direct or indirect, from the person for whom the acts are performed.

2. Mr. Goodwin, until such time as he becomes a member in good standing of the Law Society, and Gaia-Watts are permanently prohibited and enjoined from representing themselves as being lawyers, counsel, “Chancellor of Laws”, “Law Speaker”, attorney, a law firm, law institute or a law corporation, and any other title that connotes that they are entitled or qualified to engage in the practice law.

3. Mr. Goodwin, until such time as he becomes a member in good standing of the Law Society, is prohibited and enjoined from commencing, prosecuting or defending a proceeding in any court, other than representing himself as an individual party to a proceeding acting without counsel solely on his own behalf;

4. Mr. Goodwin, until such time as he becomes a member in good standing of Law Society, is required to inform Unauthorized Practice Counsel of the Law Society of any proceeding or legal matter in which he is involved, in any manner whatsoever other than representing himself as an individual party to a proceeding acting without counsel solely on his own behalf; and

5. The Law Society is awarded its costs.

“Greyell J.”