

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *The Law Society of British Columbia v.
Goodwin,*
2015 BCSC 2472

Date: 20151211
Docket: S67804
Registry: Nanaimo

Between:

The Law Society of British Columbia

Petitioner

And

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

Respondents

Before: The Honourable Mr. Justice Macintosh

Oral Reasons for Judgment

In Chambers

Counsel for the Petitioner:

Michael J. Kleisinger

The Respondents:

Self-represented

Place and Date of Hearing:

Nanaimo, B.C.
December 8 and 9, 2015

Place and Date of Judgment:

Nanaimo, B.C.
December 11, 2015

[1] The Law Society asks that Mr. Goodwin be found in civil contempt of the order of Greyell J. pronounced on March 28, 2013. The application also seeks related orders, which I will address later in these reasons.

[2] The Greyell order includes the following five paragraphs:

1. The Respondent, Ralph Charles Goodwin a.k.a. Yuxweletun ("Mr. Goodwin"), until such time as he becomes a member in good standing of the Law Society and the Respondent, Gaia-Watts Enterprises Ltd. d.b.a. Touchstone Committee and Touchstone Committee Law Institute ("Gaia-Watts"), be 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);
 - (f) making a representation that he is 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 of 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 the 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.

[3] The Law Society submits that Mr. Goodwin is in contempt of all of those provisions, except paragraph 3.

[4] Mr. Goodwin did not appeal the order.

[5] Greyell J.'s reasons for his order are reported as *The Law Society of British Columbia v. Goodwin*, 2013 BCSC 537, and those reasons must be read at this stage as the context for these reasons.

[6] In paragraph 1 of the Greyell order, quoted above, Mr. Goodwin is enjoined in subparagraph (e) from offering to perform the legal services described earlier in paragraph 1. In subparagraph (f), he is enjoined from representing that he is qualified or entitled to perform those legal services. Greyell J. enjoined Mr. Goodwin in those ways because of several websites Mr. Goodwin maintained which Greyell J. found did make such offers and representations, contrary to s. 15 of the *Legal Profession Act*, S.B.C. 1998, c. 9.

[7] Mr. Goodwin presents no substantive defence against the Law Society's allegation that he is in contempt of paragraph 1 of the Greyell order. He maintains today all of the websites which gave rise to the order in the first place. Worse, Mr. Goodwin has now added further websites which equally offend paragraph 1 of the order. On some of the websites, Mr. Goodwin has now included the following words in capital letters:

THIS WEBSITE DOES NOT PROVIDE LEGAL ADVICE; NOR, IS IT
INTENDED TO REFER THE READER TO LEGAL ADVICE.

[8] That small addition to some of the websites, most of which are several pages long, does not assist Mr. Goodwin. It is similar to what one might find on the website of any law firm. It does not overcome the finding that Mr. Goodwin offered legal

services and represented that he is capable of performing them. He continues to do so.

[9] I address below the other relevant paragraphs from the Greyell order. Mr. Goodwin presented substantive responses to none of them. Instead, he made submissions which were unfocused and wide-ranging, touching on many legal subjects, but not the subject of whether he is in contempt of court. If his submissions contained a theme, it was that the courts have no jurisdiction on lands which are not the subject of treaties with First Nations. Mr. Goodwin used legal jargon at every turn, but he lacks the training and the focus to present rational legal arguments.

[10] Paragraph 2 of the Greyell order prohibits Mr. Goodwin from representing himself to others as a "Chancellor of Laws", a "Law Speaker", and in similar ways. Those representations, now prohibited, are ongoing. They are contained in both the websites predating the order and the ones which were started afterward.

[11] The Law Society filed the affidavit of Dennis Robertson. Mr. Robertson has been harassed, threatened and professionally embarrassed by Mr. Goodwin in Mr. Goodwin's zealous and misguided representation of a Mr. Johnsen, who made a claim against Mr. Robertson. Mr. Goodwin did not inform the Unauthorized Practice Counsel at the Law Society of his involvement on behalf of Mr. Johnsen. In failing to do so, he violated paragraph 4 of the Greyell order. It appears from the evidence that Mr. Goodwin has violated paragraph 4 in other instances as well.

[12] Paragraph 5 of the order awarded costs to the Law Society. Mr. Goodwin has not paid them.

[13] The Law Society has demonstrated beyond a reasonable doubt that Mr. Goodwin is in contempt of paragraphs 1, 2 and 4 of the Greyell order. It is common ground that he has known the terms of the order from the date they were pronounced.

[14] The test for finding civil contempt was expressed recently by the Supreme Court of Canada in *Carey v. Laiken*, 2015 SCC 17, at para. 38:

It is well settled in Canadian common law that all that is required to establish civil contempt is proof beyond a reasonable doubt of an intentional act or omission that is in fact in breach of a clear order of which the alleged contemnor has notice: *Prescott-Russell*, at para. 27; *College of Optometrists*, at para. 71; *Sheppard*, at p. 8; *TG Industries*, at paras. 17 and 32; *Bhatnager*, at pp. 224-25; *Sharpe*, at ¶ 6.190. The Court of Appeal followed this approach. As it noted, to require a contemnor to have intended to disobey the order would put the test “too high” and result in “mistakes of law [becoming] a defence to an allegation of civil contempt but not to a murder charge” (para. 59). Instead, contumacy or lack thereof goes to the penalty to be imposed following a finding of contempt . . .

[15] The finding that Mr. Goodwin is guilty of civil contempt is beyond argument on the facts which have been presented. The question for the Court is what to do in the face of his contempt. Mr. Goodwin is misguided in his efforts. I am concerned that he is going to get himself in ever-worsening trouble while continuing to disrespect the Court. He has disobeyed this Court's orders flagrantly. That is a more serious wrong than Mr. Goodwin may appreciate. When court orders are disobeyed or ignored, the court is demeaned. If the court is demeaned, respect for the rule of law declines. The public then suffers because the rule of law is the foundation of our society. So the court must achieve compliance with its orders.

[16] There is another dimension in this case: Mr. Goodwin pretending to practise law is harming the public. Unsophisticated people, who often have the greatest need for legal counsel, are vulnerable to Mr. Goodwin. His ignorance in legal matters can only harm them.

[17] Sentencing therefore is a serious matter in this case. At this stage, I am ordering two of the orders the Law Society requested.

[18] First, within two weeks of the pronouncement of this order, Mr. Goodwin is required to purge his contempt by removing all references from his websites that are prohibited by the Greyell order.

[19] Second, within three weeks of the pronouncement of this order, Mr. Goodwin is required to inform the Law Society that he has removed all references from his various websites that are prohibited by the Greyell order.

[20] If Mr. Goodwin obeys those two orders, it will not be the end of this case, but it will at least improve Mr. Goodwin's prospects when sentencing is addressed further, and it will begin to obtain compliance with the Greyell order.

[21] The sentencing hearing is adjourned, to be set in front of me, in Vancouver, no earlier than one month from today. Further costs will be addressed as part of that hearing, and whether Mr. Goodwin has by then paid the existing costs order will be taken into account.

[22] At least two weeks before the sentencing hearing, I direct counsel for the Law Society to set out clearly in writing for Mr. Goodwin the range of sentences the Law Society will be asking the Court to consider.

"MACINTOSH J."