

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *The Law Society of British Columbia v.
Goodwin,*
2016 BCSC 240

Date: 20160204
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

Appearing on his own behalf:

Ralph C. Goodwin

Place and Date of Hearing:

Nanaimo, B.C.
February 3, 2016

Place and Date of Judgment:

Nanaimo, B.C.
February 4, 2016

[1] The issue is what sentence Mr. Goodwin should receive for his civil contempt of this Court.

[2] Greyell J. granted the Law Society an injunction against Mr. Goodwin on March 28, 2013. The Greyell reasons are reported as *The Law Society of British Columbia v. Goodwin*, 2013 BCSC 537. On December 11, 2015, I found Mr. Goodwin in contempt of the Greyell Order. My reasons are reported at 2015 BCSC 2472. Both the Greyell reasons and mine should be read as the context of today's reasons. The first six paragraphs of the Order I pronounced on December 11 read:

1. Mr. Goodwin is found in contempt of the order of Mr. Justice Greyell pronounced on March 28, 2013 (the "Injunction Order") for:
 - a. offering to provide legal services for or in the expectation of a fee, gain or reward;
 - b. representing himself as qualified or entitled to engage in the practice of law;
 - c. representing himself as "Law Speaker," "Chancellor of Laws" and other titles connoting that he was entitled or qualified to engage in the practice of law; and
 - d. failing to inform the Law Society of his involvement in the various legal matters of others.
2. On or before December 25, 2015, Mr. Goodwin must remove all references from his various websites that are prohibited by the Injunction Order.
3. On or before January 1, 2016, Mr. Goodwin shall inform the Law Society whether he has removed all references from his various websites that are prohibited by the Injunction Order.
4. The hearing with respect to sentencing and costs (the "Sentencing Hearing") is adjourned to a date no earlier than January 11, 2016.
5. No later than two weeks prior to the Sentencing Hearing, the Law Society shall provide Mr. Goodwin with a written description of the range of penalties that it will submit to the court.
6. Mr. Justice Macintosh is seized of this matter.

[3] Mr. Goodwin did not appeal to the Court of Appeal either the Greyell Order or my December 11 Order. If I followed his submissions correctly, he advised that appeals have been brought to the United Nations.

[4] I adjourned the sentencing hearing from December 11 to yesterday to give Mr. Goodwin the opportunity to comply with the directives in paragraphs 2 and 3 quoted above from the December 11 Order. As I said in my reasons on December 11 at paragraph 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.

[5] Pursuant to paragraph 5 of the December 11 Order, the Law Society sent to Mr. Goodwin the eight-page written argument which formed the basis of its counsel's oral submissions before me yesterday.

[6] Mr. Goodwin has done nothing in compliance with the Greyell Order or my Order, with one exception which is too small to mention. Further, on his Twitter account, he has expanded his breach of the injunction by holding himself out on Twitter as a chancellor of laws, which Greyell J. prohibited him from doing.

[7] On January 17, 2016, Mr. Goodwin wrote the following on a web page linked to the postings on his Twitter account:

Dear Friends & Associates

Thank you for reviewing the attached letter from the Law Society of BC . . . which describes their clear intent to proceed to recommend that BCSC Judge Macintosh proceeds to sentence me (1) incarceration (jail for an indefinite term) is the only option since I refuse to close down the websites and blogsites; and, to pay the LSBC expenses \$13000. The sentence is called a civil contempt of court.

[8] Mr. Goodwin has been true to his word. He is refusing to obey either order in any respect. He offered no defence of any legal merit against the injunction application, the contempt citation or the sentence of incarceration which the Law Society now requests. At the hearing yesterday, he maintained the position which he argued before Greyell J. in 2013 and before me in December. He submitted again that the Law Society and this Court are without jurisdiction because there is no treaty in place between the Crown and an aboriginal group living near here, with

whom Mr. Goodwin asserts he is affiliated, notwithstanding what he says is his Scandinavian heritage.

[9] I repeat here paragraphs 15 and 16 from my reasons pronounced December 11:

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.

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.

[10] In support of its request that I order Mr. Goodwin to be incarcerated, the Law Society referred me to eight decisions of this Court pronouncing sentence for civil contempt. The Law Society, incidentally, was the applicant in four of those cases. The range of the sentence in the eight decisions was from five days to 45 days, without remission for good behaviour. One of the decisions, *Law Society v. Gorman*, 2011 BCSC 1484, decided by Savage J., as he then was, employed particular factors to consider in determining the appropriate penalty for civil contempt. I will employ those factors here.

[11] One is deterrence. Deterrence addresses both the particular defendant and society at large. Mr. Goodwin requires deterrence. He ignores this Court's orders because he refuses to acknowledge their validity. Public deterrence must always be part of enforcing court orders, because disrespect for the court cannot be reconciled with our constitutional foundation of peace, order and good government.

[12] A second factor is the seriousness of the contempt. I link it with the third factor in the *Gorman* case, which is protection of the public. The nature of

Mr. Goodwin's ongoing contempt attracts vulnerable people to retain him for legal advice which he is incapable of giving.

[13] Another factor to consider is the degree of intent. I found in my earlier reasons that Mr. Goodwin has flagrantly disobeyed this Court's orders. The Greyell Order was in 2013. The contempt finding was in December of 2015. There can be no question that Mr. Goodwin intends to ignore what the Court requires. In the December Order, Mr. Goodwin was given the chance to purge his contempt by changing his website and was told that doing so would assist him in this sentencing. Still, he did virtually nothing except expand his self-advertising as a chancellor of laws.

[14] Last among the factors are ability to pay a fine and past character. Mr. Goodwin has paid none of the costs ordered against him to this point in this proceeding. He appears to have little money. Regarding his character, Mr. Goodwin has no earlier findings of contempt against him and there is no evidence of him having any criminal record. The absence of earlier contempt findings is partly negated, in my view, by how long Mr. Goodwin has ignored the Greyell Order and by his refusal to purge his contempt since last December 11.

[15] One of the eight cases the Law Society cited was *Law Society v. Dempsey*, 2007 BCSC 442, in which Davies J. sentenced Mr. Dempsey to 30 days' incarceration. I mention that case because, like this one, it addressed a defendant who refused to recognize the Court's jurisdiction because of his particular beliefs. However, as Davies J. said at paragraphs 10 and 11 of his reasons:

The remedy of contempt of court is founded upon the court's power to uphold its dignity and process. Disobedience of court orders undermines the rule of law which is directly dependant on the ability of the courts to enforce their process. While people may disagree with court orders, they may not ignore those orders. It is fundamental to the existence of our democratic society that court orders will be honoured.

Mr. Dempsey's beliefs are not at issue in this proceeding. He is, of course, as a citizen of this country fully entitled to his beliefs. However, what he may not do, is deliberately ignore or flaunt the orders of this Court or the laws upon which they are based.

[16] The Law Society asks that I order Mr. Goodwin to be incarcerated for between 10 and 30 days. I am ordering his incarceration for 30 days without remission. I would have ordered a longer sentence but for two facts: first, Mr. Goodwin is 69; second, although his breaches are flagrant, they derive from what I find to be his honestly-held views about the absence of this Court's jurisdiction, as opposed to a cynical disregard about the laws of this country.

[17] Within 30 days of Mr. Goodwin being released from jail, he must ensure he has complied with the Greyell Order and reported his compliance to the Law Society. If he fails in either of those requirements, the Law Society may apply before me for a further order of contempt.

[18] I grant the costs and disbursements of this application to the Law Society in the amount of \$5,519.87.

"MACINTOSH J."