



No. S135684
Vancouver Registry

In the Supreme Court of British Columbia

Between:

THE LAW SOCIETY OF BRITISH COLUMBIA

Petitioner

And:

MICHAEL HELFRICH a.k.a. MARVIN HELFRICH

Respondent

ORDER MADE AFTER APPLICATION

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))
)	THE HONOURABLE MADAM)
BEFORE)	JUSTICE GEROW)
))
))

9 May 2016

ON THE APPLICATION of the petitioner, the Law Society of British Columbia, dated 17 March 2016, coming on for hearing at Vancouver, British Columbia, on 9 May 2016 and on hearing Michael Kleisinger, counsel for the petitioner and Peter Lightbody, counsel for the respondent and after reviewing the materials filed in this matter:

THIS COURT ORDERS that:

1. Michael Helfrich a.k.a. Marvin Helfrich ("Mr. Helfrich") is found in contempt of the order of Mr. Justice Silverman pronounced on October 18, 2013 (the "Injunction Order") for having provided the following legal services to Mark Nitsch and Cal-San Enterprises Ltd contrary to the Injunction Order:
 - a. appearing as counsel or advocate in court;
 - b. drafting legal documents, including pleadings and documents for a bankruptcy proceeding;
 - c. negotiating the settlement of a claim for damages;

- d. giving procedural and substantive legal advice with respect to the aforementioned matters;
- e. offering to engage in the aforementioned activities; and
- f. representing himself as qualified and entitled to engage in the aforementioned activities.

Fine

- 2. On or before September 1, 2016, Mr. Helfrich will pay a fine to the court in the amount of \$5,000.
- 3. On or before September 8, 2016, Mr. Helfrich will provide the Law Society with proof that he has paid the fine to the court.

Community Work Service

- 4. On or before June 1, 2016, Mr. Helfrich will report to a probation officer at Adult Probation Services, 275 East Cordova Street, in Vancouver, British Columbia, and thereafter as directed by that probation officer.
- 5. On or before June 1, 2017, Mr. Helfrich will complete 100 hours of community work service, in a field not related to law or accounting, and as directed by his probation officer.
- 6. On or before December 1, 2016, Mr. Helfrich will file with this court and deliver to counsel for the Law Society a brief report prepared by his probation officer advising of the status of Mr. Helfrich's community work service.
- 7. On or before June 8, 2017, Mr. Helfrich will file with this court and deliver to counsel for the Law Society a brief report prepared by his probation officer confirming that the community work service had been satisfactorily completed.

Restitution

- 8. On or before May 20, 2016, Mr. Helfrich will, at his own expense, deliver all of Mark Nitsch's documents that are in Mr. Helfrich's possession or control

to Chris Mould at Suite 301 – 15303 31st Avenue, Surrey, British Columbia, V3Z 6X2.

9. On or before October 1, 2016, Mr. Helfrich will pay \$5,500 in restitution to Mark Nitsch, to be paid to the Law Society and held in trust.

Injunction

10. Mr. Helfrich, until such time as he becomes a member in good standing of the Law Society, is permanently prohibited and enjoined from:
- (a) appearing as counsel or advocate;
 - (b) drawing, revising or settling a petition, memorandum, notice of articles or articles under the *Business Corporation Act*, or an application, statement, affidavit, minute, resolution, bylaw or other document relating to the incorporation, registration, organization, reorganization, dissolution or winding up of a corporate body;
 - (c) drawing, revising or settling a document for use in a proceeding, judicial or extra-judicial;
 - (d) drawing, revising or settling a will, deed of settlement, trust, power of attorney or a document relating to a probate or a grant of administration or the estate of a deceased person;
 - (e) drawing, revising or settling a document relating in any way to a proceeding under a statute of Canada or British Columbia;
 - (f) drawing, revising or settling an instrument relating to real or personal estate that is intended, permitted or required to be registered, recorded or filed in a registry or other public office;
 - (g) doing an act or negotiating in any way for the settlement of, or settling, a claim or demand for damages;
 - (h) agreeing to place at the disposal of another person the services of a lawyer;
 - (i) giving legal advice;
 - (j) making an offer to do anything referred to in paragraphs (a) to (i);
 - (k) making a representation that he is qualified or entitled to do anything referred to in paragraphs (a) to (i);

- (l) commencing, prosecuting or defending a proceeding in any court, unless he is representing himself in a proceeding, acting without counsel, solely on his own behalf;
- (m) representing himself as a lawyer or in any other manner that connotes that he is qualified or entitled to engage in the practice of law

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

Costs

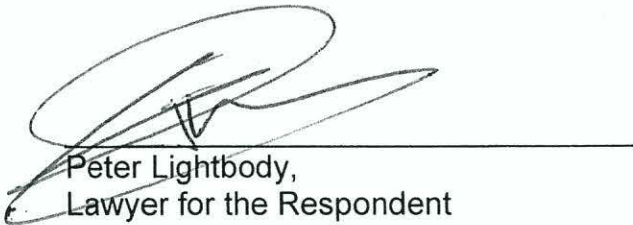
11. On or before November 1, 2016, Mr. Helfrich will pay \$6,500 to the Law Society representing its costs for this application and the costs awarded in the Injunction Order.

12. For all payments that Mr. Helfrich must make to the Law Society under this order, Mr. Helfrich will pay by certified cheque, money order, bank draft or his lawyer's trust cheque.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS NOTED ABOVE:

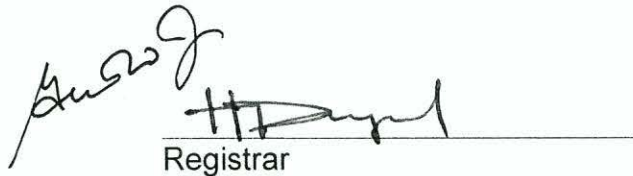


Signature of Michael J. Kleisinger,
Lawyer for the Petitioner



Peter Lightbody,
Lawyer for the Respondent

By the Court



Registrar

