

May 1, 2008

The Praecepte,

Victoria's Legal Newsletter

This newsletter is published by the VBA approximately six times a year. It provides members of the local Bar with information about VBA events, the activities of its members and issues of importance to you. As this is a developing product, any constructive advice, criticism, or assistance is greatly appreciated. Comments can be emailed to legh@sll.ca.

INSIGHTS INTO THE LOCAL BAR

We try to keep members informed on any developments within the local Bar. If you become aware of any members changing firms, passing away, receiving awards, or any issue that may be of general interest, please tell us.

Jakob de Villiers Q.C. has retired from the practice of law, however, he continues to perform arbitrations, call him at 475-7561.

Jon Stewart joined Stevenson Luchies & Legh on May 1 after years with McCullough Blazina Dieno, call him at 381-4040.

Menaka Giri is leaving Waddell Raponi to pursue Federal prosecutions in Nanaimo.

Angela Atwood-Brewka has moved to 500 - 645 Fort Street, tel - 381-0140.

Barbara Webster-Evans, after 15 years in the same old place, has moved to Webster and Associates to act for plaintiffs with offices in Richmond and Victoria, call 589-8030.

Andrea Duncan and **Rebecca Faber** are now practicing as Duncan & Faber, at 203-1028 Fort Street.

Paul Singh has moved here from Vancouver to join Pearlman Lindholm in the practice of commercial and personal injury litigation.

Mr. Justice Macaulay presided at the Victoria call on April 10, 2008 of **Jonathan Arnold, Stephen Chapman, Michelle Calbick, and Christine Godlewska**. New transfers into British Columbia at the same time were: **Jane Ann Summers, Michael Jolicoeur, Joel Oliphant, and Brett Webber**.

If you know of other moves or additions in town, please send them to James Legh (legh@sll.ca) for publication in the VBA newsletter, The Praecepte.

FUTURE EVENTS

Dates to note on your calendar include:

- May 30, 2008 - Lawyer/CA Golf Tournament - Uplands Golf Club
- June 19, 2008 - Summer Dinner at the Deep Cove Chalet @\$65.00

- September 13, 2008 - Annual VBA Softball tournament
- September 19, 2008 - Annual VBA Golf tournament. Note the NEW LOCATION at **Cordova Bay Golf Course**, with tee times starting at 12:45
- November 6, 2008 – AGM at the Victoria Golf Club @ \$50.00
- December 3, 2008 – Annual Christmas Lunch at the Union Club @ \$25.00

RECENT EVENTS

Victoria's Battle of the Bar Bands – March 5, 2008

The third annual Victoria Battle of the Bar Bands unfolded at “Element” nightclub in the basement of the Strathcona Hotel on Wednesday, March 5, 2008. Initiated as a fundraiser for the CBA Benevolent Society and its most useful work, this year's event represented a great leap forward with a larger venue, an increasingly experienced organizing committee and a diverse group of five bands that sprung from Victoria, Nanaimo and the Lower Mainland.

God's gift to a microphone, **Bill Murphy-Dyson**, once again played host to a jolly crowd of over 300 rock 'n rollers. Lawyers, spouses or partners of lawyers, legal support staff and an eclectic number of groupies, roadies and family friends hopped and bopped to the sounds of:

- Three Victoria veteran bands, ***the Reverbs, Blind Elmo and the Witness***
- our Vancouver House Band, ***the Singletones***
- Nanaimo's ***Shed***, a group of eight first timers who drove south in a Bentley and displayed an astonishing range of facial hair.

The expert use of the trusty “Applause O' Metre” by family law jousters **Eugene Raponi** and the aforementioned Barrister **Bill Murphy-Dyson** led to a well-deserved victory by ***the Witness*** whose members are: **Mike Frey** (lead guitar and vocals), **John Coupar** (keyboards and back-up vocals), **Mark Slay** (drums) and **Ted Evans** (bass). It was a gutsy win, given that vocalist Mike Frey arrived suffering from laryngitis and in tears. Other bands suspected Frey was faking the symptoms as a psychological ploy to lull his competitors into a false sense of security and to play on the sympathy of the crowd.

Other memorable moments included Rockin' **Robbie Sheffman** trying on a Van Morrison tune dressed in a maroon leisure suit and unidentified members of defending champs, **Blind Elmo**, taking wild swings at each other during their fourth number. You gotta love rock 'n roll.

Thanks to all who took part in the organization of the event and particularly **Roxanne Helme, Eugene Raponi and John Waddell**. This year's event more than doubled the take of previous years' battles with over \$12,000 raised for the Benevolent Society. That success would not have been possible without the generosity of our sponsors:

- *Stewart Title*
- *Hotel Grand Pacific*
- *Business Practices and Consumer Protection Authority of BC*
- *Premiere Verbatim Reporting*
- *our own Victoria Bar Association*

Interest in this event grows every year. Look for the announcement of next year's event. Local and Island musicians are encouraged to join in the fun.

April 17, 2008 Annual Bench and Bar Spring Dinner

The Annual dinner was held at the Fireside Grill on a mild Thursday evening. There were many of us in attendance who enjoyed the entertainment, discussions and good-humoured jibes. Madam Justice Huddart ably represented the judiciary. Speeches may be getting a tad short to be almost unnoticeable, but it protects the speakers from any soft or hard projectiles coming their way.

Victoria Law Day - April 19, 2008

Five hundred people passed through the Victoria courthouse on Law Day. Families, Scouts, seniors, civil servants, lawyers, and many others learned about our justice system. Highlights of the day included the Westshore Police Canine Unit demonstration, the Trial of Harry Potter, and the "Three Little Pigs Make Their Wills".

The **Honourable Justice Metzger** and the **Honourable Judge Quantz** spoke with the public, the registry clerks explained their role and the sheriffs offered tours of the cells and their vans. Police groups hosted interactive information sessions. Many justice system partners provided information through displays and brochures throughout the courthouse and students from around British Columbia were competing in the Fourth Annual Provincial High School Moot Trial Competition.

The organizing committee thanks all of those organizations and individuals who gave some time to help explain the justice system to members of the public. The Victoria Bar Association and the Canadian Bar Association provided funding for the event, and the Law Courts Education Society, Court Services, Sheriffs Services, and Legal Services Society took the lead to make Law Day in Victoria happen. Members of the Law Day Committee included **Berry Hykin, Michelle Kinney, Sylvia Sangha** (Law Courts Education Society), **Wendy MacKenzie** (Court Services), **Joanne St. Gelais** (Sheriffs Services), **Kim Shelley, Forrest Nelson, Emily Drown, James Legh, Lina Rahman, Bruce Hallsor, and Carmen Rogers.**

Many thanks to all the people, organizations and businesses who volunteered their time and services to make Law Day happen. Without their support, there would not be a Law Day!

OTHER POINTS OF ORDER

Lawyer/CA Golf Tournament 2008

This year's tournament is Friday, May 30th at Uplands Golf Club. It will be a shotgun start with net proceeds to the BC Schizophrenia Society. The lawyers are often a bit low in turn out compared to the accountants. It would be great to see a strong showing from VBA to ensure we beat the VCCA in this friendly competition. The registration form is attached to the end of the newsletter.

BENCHER'S REPORT – SUMMARY OF APRIL 4, 2008 MEETING

The CEO, Mr. McGee reported on the status of the recommendations made by the *Title Insurance Issues Task Force*, including in part:

- That Law Society staff was actively engaged in preparing two informational brochures on the Western Law Societies Conveyancing Protocol, one for lawyers and one for lenders, which would be distributed in the near future.
- The Law Society was satisfied that the government staff people responsible for order-in-council appointment of commissioners for taking oaths have an appropriate process in place for checking references and screening applicants.

Law Society CFO, Jeanette McPhee reported on 2007 year-end financials for the Law Society.

- General Fund results were better than expected, with a surplus over budget of approximately \$1 million
- TAF experienced a deficit, but has sufficient reserves to cover it.
- LIF also had a deficit against budget but that is part of the normal fluctuation in claims. LIF had a surplus in 2006.

Mr. McGee reported on the *Law Society's Key Performance Measures*, noting that this was the first report on the performance measures the Benchers approved in 2007. Points of note included:

- All KPMs in the Professional Conduct area were met. The total number of complaints (95) is trending downward and there is increased satisfaction with courtesy and timeliness of complaints handling.
- Six out of eight custodianships in 2007 were handled in-house, resulting in substantial cost savings.
- The Law Society now has the capacity to perform up to 500 full compliance audits per year.
- PLTC had a record number of students in 2007 (386). Targeted pass rates were being met (96% pass rate overall).
- The practice advice program received over 5000 telephone calls and emails in 2007.

ESTABLISHMENT OF ADVISORY COMMITTEES

As part of the committee restructuring resulting from adoption of a new priorities and planning process the Benchers terminated the following committees:

- Access to Justice
- Equity and Diversity
- Futures
- Independence and Self-governance
- Lawyer Education
- Legal Information and Technology
- Regulatory Policy

The Benchers then established the following advisory committees:

- Access to Legal Services
- Equity and Diversity
- Independence and Self Governance
- Lawyer Education.
- Conflicts of interest
- Education and transition.

UNBUNDLING OF LEGAL SERVICES

The Benchers adopted the recommendations of the Unbundling of Legal Services Task Force to develop amendments to the Law Society Rules and Professional Conduct Handbook (to facilitate lawyers providing unbundled legal services) in the following areas:

- General professional conduct
- Confidential drafting assistance
- Communications
 - General
 - With limited scope parties
 - With the Courts and other parties
 - With the client
- Conflicts of interest
- Education and transition.

INDEPENDENCE AND SELF GOVERNANCE

Gordon Turriff, QC presented the final report of the Independence and Self-governance Committee and urged the Law Society to develop a program of public education on the importance of an independent legal profession.

UNIVERSITY OF VICTORIA REPORT

UVic Law Homecoming 2008 Welcomes Alumni May 9-10

One of the Faculty's most anticipated celebrations of the year is *UVic Law Alumni Homecoming 2008*, taking place Friday, May 9th and Saturday, May 10th. Former students, staff and faculty members are invited to join in the festivities, renew old acquaintances and witness first-hand how the school's traditions have been nurtured and enhanced over time.

Events include a reception, presentations from current faculty members, a preview of upcoming renovations to the Diana M. Priestly Law Library, tours of the Fraser Building and a tribute to retiring Professor John Kilcoyne. The faculty will also recognize the contributions of Andrew Petter, who will complete his term as Dean in June.

More information about the *Homecoming* weekend is available at

www.law.uvic.ca/alumni. Alumni can register online or call Krista at 250-472-5627.

Graduates who want to learn more about the *Homecoming* events or get involved as volunteers should contact their class leaders or Anne Pappas (Manager of Development, Alumni and External Relations) at apappas@uvic.ca or (250) 721-8025.

New Dean, Donna Greschner Begins July 1st

Andrew Petter, the longest-serving dean in the 34-year history of UVic's Faculty of Law, will conclude his term at the end of June and begin a new chapter in his academic life. Over the next year, he will take the opportunity to travel, read and write in preparation for his return to full-time teaching and research at the law school in 2009.

Professor Donna Greschner is being welcomed as the Faculty's next Dean and we wish her every success in her exciting new role. Professor Greschner holds a Bachelor of Commerce degree (1979) and an LL.B. (1980) from the University of Saskatchewan and was awarded a Bachelor of Civil Law degree from the University of Oxford in 1982. Greschner was a law professor at the University of Saskatchewan from 1982 to 2004, winning a Teaching Excellence Award in 2002. Since 2004 she has been teaching at the University of La Verne in California. She was also a member of the Canadian Human Rights Commission (1987-90) and served as chief commissioner of the Saskatchewan Human Rights Commission (1992-96).

Professor John McLaren Awarded Craigdarroch Gold Medal

Recently retired UVic Law Professor John McLaren has been named this year's winner of the University of Victoria Craigdarroch Gold Medal for Career Achievement in Research. The honour recognizes of his long and distinguished record of achievement and was presented at an April 8 celebration at the Art Gallery of Greater Victoria. McLaren is considered one of North America's foremost legal historians. He has also researched the interaction between religious beliefs and common law, and the function of law as it relates to the regulation of public morals.

UVic Law Team Competed In India As Canadian Champions

UVic Law students Sarah Sharp and Sonia Kainth represented UVic and Canada at the 2008 International Client Counselling Competition (ICCC) in Bangalore, India. Competing against 17 other teams from around the globe, the UVic Law students finished in eighth place. Sharp and Kainth earned their berth at the ICCC after emerging as the top Canadian team at the North American finals of the 2008 American Bar Association Client Counselling Competition, held March 8-9 in New York. The teams were judged on their ability to interview and appropriately advise their "clients" in simulated case situations that involved challenging legal questions. The team was coached by Steve Perks, Andrew Pirie, Marli Rusen and Gillian Calder. The firm of Heenan Blaikie has generously supported UVic Law's involvement in the American Bar Association Client Counselling Competition.

UVic Law Teaching And Service Awards

Professors John Kilcoyne and Gillian Calder were honoured by UVic Law students at the school's 2008 graduation celebration, as co-winners of the Terry Wuester Teaching Award. The presentation was made March 29 at the Hotel Grand Pacific in Victoria. On April 4, students also recognized Professor Jeremy Webber with the First-Year Teaching Award, while Anne Pappas was presented with the John McLaren Award for Service.

2008 VBA EXECUTIVE

<i>President</i>	Scott Farquhar
<i>Past President</i>	Kerry Simmons
<i>Vice President</i>	Michael Cooper
<i>Treasurer</i>	Charlotte A. Salomon
<i>Secretary</i>	Brooke A. MacLeod
<i>Social Co-ordinators</i>	Richard Fyfe
<i>Meeting Co-ordinator</i>	Roxanne Helme
<i>Directors:</i>	Nisha Bathe, Kay Melbye, Renée A. Miller, and James A. S. Legh.
<i>Benchers Representatives</i>	Kathryn Berge Richard Stewart
<i>CBA Representative</i>	Carmen Rogers & Sue Wishart
<i>UVic Liaison</i>	Andrew Petter

EXECUTIVE MEETINGS

Our meetings are scheduled for the third Tuesday of each month, in the Barrister's lounge at the Court House, (unless moved in conjunction with another event such as the spring dinner). If you wish to bring a matter to the attention of the Board or to participate in a meeting, please do not hesitate to contact Scott Farquhar in advance.

WWW.VICBAR.COM

As you are likely aware, the VBA website is a wonderful source of information. It features details of upcoming events, event photo's, previous editions of the Praeipce, and an online forum. The forum is available to VBA members only - a good way to exchange information and ideas of interest to the local Bar (including complaints regarding the activities of the executive).

CONCLUSION

The following link will take you to the March 2008 work-in-progress draft of NEW rules of civil procedure for the BC Supreme Court.

<http://www.bcjusticereviewforum.ca/civilrules/>

This draft may soon be put to cabinet for approval and implementation. While there has been a reasonable amount of consideration regarding new litigation rules at some levels, there seems to be little discussion of this in the ranks of the "*working lawyers*." Those in the VBA who work regularly with the Supreme Court system will be profoundly affected by these changes. There are significant concerns being raised by some as to the benefits of these changes and the negative impacts that may result.

The concerns raised include the implications that the rules are moving the civil court system from an adversarial process to an inquisitorial one. Issues of unfairness, excessive costs and accessibility to justice are raised as being the possible result of the rule changes.

The point here is not to suggest whether the proposals are good or bad, rather to raise awareness that change is on the cusp of occurring and it is incumbent on us all to take a close look at what is being proposed. There is room for commentary both for and against the changes. It is not too late to make your thoughts known, (if you have any). If you do, your MLA would be a good person to discuss the issues with.

**LAWYER/CA GOLF TOURNAMENT 2008
REGISTRATION FORM**

This year the BC Schizophrenia Society will be the beneficiary of all proceeds raised at this tournament.

Date: Friday, May 30th, 2008
Location: Uplands Golf Club
Time: 1:30PM Shot gun start
Cost: **\$145 (Golf and Dinner with a partial donation receipt)**
\$110 (Golf Only) \$55 (Dinner Only)

Name: _____ CA ___ LAWYER ___

A) Competitive Golf Handicap ____ B) Social Golf Expected Score ____

Firm Name: _____

Telephone Number (contact person) _____

Email: _____

Please list the names of the other players below. Requests to play with specific individuals will be given priority, but there are no guarantees. The contact person will be informed about the tee time for the group.

2nd Name: _____ CA ___ LAWYER ___

A) Competitive Golf Handicap ____ B) Social Golf Expected Score ____

3rd Name: _____ CA ___ LAWYER ___

A) Competitive Golf Handicap ____ B) Social Golf Expected Score ____

4th Name: _____ CA ___ LAWYER ___

A) Competitive Golf Handicap ____ B) Social Golf Expected Score ____

Please fax or email the **registration form no later than MAY 21, 2008** to:

Lynda Mason at 386-4797 or email lmason@cpcm.ca or

Richard Fyfe at 356-5111 or email Richard.Fyfe@gov.bc.ca

PAYMENT MUST BE RECEIVED BEFORE MAY 30TH, 2008.

Please send a **cheque** to: **payable to**

Or

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ASSOCIATION**
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