Art McCulloch, an Alberni lawyer, frequently sent Ron MacIsaac unusual (and difficult) cases to defend, e.g. *R. v. Hertel* where an escaped lion attacked and killed the *Times Colonist* delivery girl.

Another one of these unusual cases was of a man charged with piracy in 1949. The man stole the hospital ship docked at Alert Bay’s wharf to return to his own island. Ron, who was still under articles at the time, was allowed to take the case due to the small number of lawyers in BC. Before the trial, Ron gave his only suit to the accused to wear. Ron then put on robes and proceeded with Canada’s only ship piracy case.
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## Inside This Issue

Do you enjoy video games? You will likely be interested in how video games have impacted the medial/legal landscape. Are you a cable subscriber who is not happy with the cost of cable services and prefers a Pick-and-Pay model? You will certainly be interested in the article on the CRTC’s “Let’s Talk TV” hearings. Lawyers who do not practice in the entertainment/art law field, and those that do, will enjoy articles that touch on the typical advice clients seek and the diversity of issues presented in this practice area. The CBABC’s 2014 accomplishments are highlighted and the benefits of the Lawyer Referral Service are reviewed. Both articles remind readers of the benefits of membership and the impact that the CBABC has on its community.

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FROM THE PRESIDENT

ALEX A. SHORTEN

Volunteers – The Backbone of Our Organization

Lawyers – the quiet ambassadors

I am writing this during the holiday season near the end of 2014. For me, this time of year brings to mind the many acts of kindness and volunteer work that lawyers do for clients, non-clients and society in general. Often, this is overlooked. Perhaps it is simply easier to tell old legal jokes or complain about lawyers.

Winston Churchill is credited with saying, “We make a living by what we get, but we make a life by what we give.”

By now, many will have heard about the pro bono work that lawyers from Borden Ladner Gervais did for the family of Jun Lin during the lengthy trial of Luca Magnotta in Montreal. In addition to legal advice, the firm provided translation services and support for the family throughout the legal case. This is truly an outstanding example of kindness.

On December 23, 2014, the firm announced “the creation of a secure website to collect donations toward The Lin Jun Family Trust in order to support the three members of the Lin family. All donations collected will help them rebuild their lives.”

Closer to British Columbia, another outstanding example of pro bono is the work of Sharon Matthews, QC and Dr. Melina Buckley, both of Camp Fiorante Matthews Mogerman of Vancouver. They represented the CBABC in all levels of the Villardell case culminating in the decision in 2014 by the Supreme Court of Canada, in a 6-1 ruling, declaring civil hearing fees unconstitutional. We appreciate the dedication of these two volunteers and their firm.

Many readers of this column provide pro bono work throughout British Columbia, either formally through Access Pro Bono or informally on a case-by-case basis.

Lawyers also volunteer in other ways. They raise money for charitable causes, sit on boards of societies, coach sports, support the democratic political process and provide leadership to a wide range of community causes.

In addition to these types of work, CBA members volunteer as leaders on our Executives, Sections and Committees. As well as planning Section meetings and organizing speakers on various topics, members are involved in preparing submissions to government or court rules committees. This advocacy work is valuable to the legislative and regulatory process of government and provides me with the documentation that I use in my meetings with Ministers and Ministry officials. Often it involves legal research on legislation in other provinces and foreign jurisdictions, and reviewing legal research by others on similar legislative initiatives. In some instances, the research involves reading and analyzing case law from many different jurisdictions.

Since September, CBABC Special Task Forces have completed the following: a submission on a proposed Franchise Act; two submissions to the Supreme Court Rules Revision Committee commenting on a proposed rule change allowing audio recording of independent medical examinations; a submission on the Ministry of Finance’s draft Societies Act; a briefing note recommending changes to the Family Compensation Act; and a commentary on proposed amendments to the Civil Resolution Tribunal Act.

Thank you, thank you and thank you.

Often the deadlines for this work are tight but the hard work gets done by our dedicated volunteers. I take this opportunity to thank all of our volunteers for the work they do for society and for the CBA.

We make a living by what we get, but we make a life by what we give.

Alex A. Shorten
president@cbabc.org
EXECUTIVE DIRECTOR

CAROLINE NEVIN

The Power of One
Your actions – and support – do matter

We all know the adage about the potential impact of one person. When I talk to lawyers, they are very clear about their desire to do good things in the world. Putting that desire into action happens with individual decisions – including where we choose to put our money and time. In the case of lawyers, some of that impact happens through joining groups like the CBA that can do more than any of us could ever do alone.

I’ve been reflecting on this because we are in the process of asking each of you to consider how the work of the CBA aligns with your own goals for what you want to accomplish in the world. This isn’t the usual intellectual plea; this is an urgent request to consider whether or not you want the CBA to survive and thrive.

More than 800 BC lawyers chose not to renew their membership last year. Some retired or moved away, but many are still here. I’ve reached out to many, as have our Membership Committee volunteers and all of our staff. Our goal is to reach every one of our former members and ask what it is that they need and how we can help. We’ve made many positive changes already, based on input from the profession, and we’re very open to making more.

Our biggest change has been to radically increase the value of membership – access to all 78 Branch and 41 National Sections is now freely open. We offer new, big discounts for part-time, non-practising, retired and new lawyers, and monthly payment plans to reduce financial barriers. And we have an aggressive advocacy and law reform agenda that feeds up from the grassroots views of Sections, firms and members into the halls of the Legislature and Parliament, the boardrooms of law societies, and the courts of our country.

Check out this issue’s articles by President Alex Shorten and Secretary-Treasurer Michael Welsh for more details.

To the 6,500 members who did renew or join us this fall, thank you! Your support matters, in ways you may not even appreciate. Direct programs and services, including Section activity and relentless advocacy for lawyers, all rely on you. We strive not only to deliver excellent service but also to gain a daily understanding about what BC lawyers need and want, and to continually try out new ideas for doing a better job of serving the profession.

To those who have not yet rejoined, I am asking, humbly, that you do it now. We need your support. I’m asking not just because our work may benefit you personally, but because it does benefit the profession and society generally. I am asking because the legal profession has both a power and responsibility to achieve something significant in the world, and the CBA multiplies that impact. I am asking because I fear that you do not know that you are important, and that the CBA needs you. We do.

For a professional association to be able to achieve important things for its members, the profession needs to give the association their support. There’s no other way this works if you want an influential voice speaking to government, the Law Society and the courts. We need your views, values, brains and energy. And we need to count you among our numbers. We may not all agree on everything, but without the leverage of the CBA, there are many voices that would not be heard at all. That is something you have to weigh for yourself, and determine whether the CBA as a concept really is important.

It is my sincere hope that you will use your “Power of One” to support us now.

Caroline Nevin
cnevin@cbabc.org
Joe Public had a problem. He was off to court in a week and he needed to learn what arguments he should advance to persuade the judge in his favour.

He contemplated heading to a lawyer’s office but instead he signed onto the website IBMLaw.com. A few minutes later he was answering questions put to him by the software. Shortly thereafter he printed up the arguments that had been produced for him by the website and whistled to himself, as he was now prepared for court, armed not only with the arguments he would be advancing but also the ones that he could expect to be advanced against him – with prepared responses.

Sound farfetched? Science fiction? Contemplate this: In June of 2014 Robert Weber, the senior vice president and general counsel of International Business Machines Corp. went to San Jose, California to watch a demonstration of the Watson Debater, according to The American Lawyer (americanlawyer.com/id=1202664266769/The-Future-of-Law).

Weber watched Watson debate whether watching violent video games predisposes young males to be more aggressive. It didn’t just come up with answers to questions as an earlier version did winning on Jeopardy. Now it synthesized information to develop arguments on different sides of an issue.

Indeed, if you go to IBM.com you will find: “Watson is everywhere. Watson has been learning the language of professions and is trained by experts to work across many different industries.” (ibm.com/smarterplanet/us/en/ibmwatson/).

Backed by the IBM Watson Group, 2000 employees and $1 billion in funding, Watson is but one of a growing number of ventures seeking to change the delivery of legal services.

IBM says: “Meet IBM Watson, a cognitive system that enables a new partnership between people and computers that enhances and scales human expertise.”

Many people believe that lawyers cannot be replaced by machines as the type of thinking that we do is different from computer algorithms.

Think again.

IBM’s Watson employs a different type of programming called cognitive processing. Cognitive processing uses natural language and processes unstructured data just like we do. It reads and interprets a sentence as a person does and understands context. It understands legal terms, syntax and more. It collects the knowledge required to have literacy in a professional domain to build a body of knowledge. It curates the data, discarding out-dated information and concepts. As new information is published, it updates its knowledge. It can quickly provide responses to questions about highly complex situations in areas such as law and medicine and provide recommendations backed by evidence, and can find new insights into the problem (per IBM.com).

Science fiction? According to IBM, Watson is “discovering and offering answers and finding patterns we had not known existed, faster than any person or group of people ever could... in ways that make a material difference – every day. Most important of all, Watson learns, adapts and keeps getting smarter.”

The American Lawyers reports: “In talking about Watson, Weber at times sounds like a proud parent bragging about his gifted child’s potential. ‘I think Watson could pass a multistate Bar exam without a second thought,’ he says.”

I wonder who will hold the party when Watson passes the Bar?
According to Tom Mitchell, chairman of the MACHINE LEARNING DEPARTMENT AT CARNEGIE MELLON UNIVERSITY IN PITTSBURGH, as reported by the New York Times (NYT) (nytimes.com/2011/03/05/science/05legal.html?_r=0)

“We’re at the beginning of a 10-year period where we’re going to transition from computers that can’t understand language to a point where computers can understand quite a bit about language.”

Nowhere are these advances clearer than in the legal world. These language advances are currently being employed in e-discovery software. E-discovery technologies generally fall into two broad categories that can be described as “linguistic” and “sociological.”

The Linguistic approach uses specific search words to find and sort relevant documents. As the technology becomes more advanced, documents are filtered through a large web of word and phrase definitions. For example, a lawyer who types “dog” will also find documents that mention “man’s best friend” and even the notion of a “walk.”

The sociological approach adds a new layer: inferential analysis – mimicking the deductive powers of a human Sherlock Holmes.

Of course the moneyball question is: Do these software developments work better than lawyers at discovery?

The NYT cites the example of Bill Herr, a former lawyer for a chemical company who used e-discovery software to go back and reanalyze discovery work his company’s lawyers did in the 1980s and 90s: “His human colleagues had been only 60% accurate, he found. Think about how much money had been spent to be slightly better than a coin toss....”

Which e-discovery technologies are being used now in the legal field? Here is a selection:

**CHENOPE**
(chenope.com)

This company acquired Cataphora whose software, according to Bloomberg Businessweek, “... can track employee behavior that might indicate some form of wrongdoing.

In court cases involving corporations, lawyers for plaintiffs often struggle to determine which employees knew that fraud or some other illegal activity was happening. Reconstructing the context surrounding the event can be painstaking as investigators wade through thousands or even millions of email messages. The task has become even more challenging in recent years as new forms of communication – instant messaging, text messages, or social media postings – have become more pervasive.

Cataphora’s software overcomes this challenge by correlating and analyzing different types of communications to try to create context. Using software to track the larger context around employee relationships can be used to incriminate – or acquit – defendants.”

**SYMANTEC E-DISCOVERY PLATFORM POWERED BY CLEARWELL**
(symantec.com/ediscovery-platform)

This software uses what Symantec calls “Transparent Predictive Coding: Open up the black box of technology-assisted review with Transparent Predictive Coding. This feature leverages machine learning technology to improve the efficiency and effectiveness of traditional linear review with increased accuracy, workflow defensibility and tagging transparency.” Symantec states, “that using this software can reduce the time of lawyer document review, cut costs by up to 98% as well as reduce information for review by 90%.”

Symantec cites, “Transatlantic Reinsurance’s use of Clearwell. The company’s IT and legal teams reduced the time needed to analyze tens of thousands of email messages from days to mere minutes.”

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Face it: many lawyers don’t give a dingo’s kidney about the typeface of their letters and documents, or the subliminal messaging conveyed by the fonts they use. The font all their documents are in is Times New Roman simply because it’s the default font for Microsoft Word. Your law firm’s fonts are important, and can say as much about you or your firm as the words themselves. So let’s have some fun with a few fonts and play Freud for a minute.

**Times New Roman.** This font needs a break; say, for a century. If you’re still doing your documents in Times New Roman, I’d say you’re deathly dull, unimaginative, resistant to change, can’t find the button on the toolbar to change the font to something more interesting, still listen to Duran Duran and have serious issues with your mother.

**Courier,** being the font used on typewriters and early word processors, isn’t used much these days, except by Hollywood scriptwriters. If you’re still using Courier and you’re not writing screenplays, you’re telling the world you’re a very boring law firm, and your lawyers still use IBM Selectric Typewriters or Mag cards on a System 6 instead of real computers. But it also means you had a traumatic childhood and fear heights, spiders and the future.

I once drafted a Franchise Agreement for a restaurant chain in Curlz because the client wanted to subliminally convince prospective franchisees that buying his franchise would be more fun than a barrel of monkeys (the use of the words “fun” and “franchise” in the same sentence was something I had never heard before. Or since!). But when he saw it, he thought a court would start to laugh if we ever had to enforce it, so I switched the font to **Comic Sans.**

**Drafting an agreement in Comic Sans, Mistral or other exotic font says you’re a leading lawyer in your field and aren’t afraid to take risks, have a wacky sense of misadventure, have sailed a Beneteau from Maui to Victoria without seeing land for two weeks, write two humour columns on the side, cage dive with Great White Sharks in Guadalupe and jump off buildings to raise money for charity. Or is that saying too much about me? Damn Sigmund Freud anyway. (Or is that Jung?)**

**Johnston Underground,** or its cousin, **Gill Sans,** is a font you don’t see much in North America, but you see it all over the UK because it’s the font used for London’s Tube. I use it from time to time after a Pimm’s just to make a document look more British. It probably says to readers “I’m English,” “I wish I were English” or “Is this stop Charing Cross?” If it were a car, this font would be a right-hand Triumph Stag. Or a Jaguar E-Type (without the parts car).

**ADAMS HANDWRITING; I CAN THINK OF AT LEAST FORTY-TWO REASONS WHY IT’S A GOOD FONT FOR DIGITAL SIGNATURES ON PDFS AND FOR OTHER OCCASIONS WHERE YOU WANT SOMEONE TO THINK YOU’RE OFF YOUR ROCKER OR STARK RAVING MAD. PERHAPS LITIGANTS SHOULD START TO USE THIS FONT IN LISTS OF DOCUMENTS JUST TO HAVE FUN WITH THE OTHER SIDE.**

**American type-writer** works well if you’re an aspiring Hemingway or Kerouac, but for demand letters, it might be a tad too literary for the average deadbeat debtor.

I would love to draft a Franchise Agreement in **Blackadder** one day but I fear it might be mistaken for the Menu from Medieval Times. All I can think of is someone yelling “Bring Out Your Dead,” or “None Shall Pass.”

But I use **Helvetica** and **Arial.** They have clean lines. Either font is great for agreements or correspondence, but subliminally, the use of these fonts suggests I’d rather be writing for the Globe and Mail. Except for the fact that the Globe and Mail is in Times New Roman.

Damn that font.

The views expressed herein are strictly those of Tony Wilson and do not reflect the opinions of the Law Society of British Columbia, CBABC, or their respective members or their desire for spam, spam and more spam.
This past year was one of challenges and accomplishments. Foremost amongst the accomplishments was our successful intervention along with the Trial Lawyers Association of BC in the Villardell appeal to the Supreme Court of Canada that Branch President Alex Shorten addresses in his column in this issue. But there are a number of others.

- **SoloLink** – Now entering its second season, our online forum focusing on the needs of small firms, sole practitioners and in-house counsel continues to gain momentum. It offers an opportunity for these practitioners to pose questions, offer advice, and exchange information; to mutually mentor and assist each other. SoloLink is a positive, real-time resource, which fills an immediate need for those practitioners who otherwise may have limited access to practice resources whether related to substantive or procedural legal matters, office management or general practice. To participate go to: sololink@cbabc.org and join. For those already participating, do not hesitate to post. All questions are good ones for which a colleague will be happy to provide suggested answers.

- **Submissions to Government:** Again, as noted in the President’s column, we made a number of submissions to the BC government, including – A proposed Franchise Act, audio-recording of Medical Examinations (“IMEs”), a new draft Societies Act, the Civil Resolution Tribunal Act and revisions to wrongful death legislation to provide compensation for non-pecuniary losses.

- **B.C. Access to Justice Commission:** Together with the provincial government, all levels of court, the Legal Services Society, Access Pro Bono, the Law Society of BC, the Law Foundation and a number of other participants, we are on the ground level of establishing an organization to better coordinate and promote collaboration among these groups to increase access to justice in BC.

The challenges our Branch faces mirror those of the CBA nationally. We have noted a lack of growth in membership. After taking a survey of BC lawyers, the Branch has taken the first of a number of steps to better serve our members and broaden membership. These include:

- The Branch membership fee previously included one Section with a further fee for additional Sections. Now your basic membership fee gives membership access to all Sections and Forums. Members can use this to get all their CPD credits, a significant advantage over other lawyers who must pay for each CPD course, often at a price that equals or exceeds the CBA annual membership fee.

- Our Branch is joining with those of each province and territory and the National CBA to undertake a major multi-year initiative, entitled “Re-Think.” We are working on a national level to make the changes necessary to our organization to enable it to serve the legal profession and the justice system in the 21st century.

Michael Welsh is a criminal and civil trial lawyer, mediator and arbitrator in the Okanagan with over three decades of courtroom experience. Michael is the current CBABC Executive Committee Secretary Treasurer.
On November 26, 2014, the Social Justice Section hosted a meeting highlighting challenges to social justice organizations posed by recent government actions. Guest speaker Mary Childs spoke on proposed changes to the BC Society Act, as set out in the BC government’s White Paper released in August 2014. In particular, she described the serious implications of a new remedy set out in s.99 of the draft legislation. If enacted without change, s.99 could have a real chilling effect on the activities of social justice organizations. Seth Klein then presented on the BC Branch of the Canadian Centre for Policy Alternatives (the “CCPA-BC”) and its public policy analysis work. Seth also discussed recent audits by the Canadian Revenue Agency, which has been auditing a number of social justice and environmental charities. Seth observed that these audits seem to differ starkly from audits that CCPA-BC has experienced in the past.

On December 1, 2014, Kimberley Robertson of Lawson Lundell LLP presented to the Insolvency Law Section. She provided an overview of some notable cases to come out of insolvency proceedings from across the country over the last year or so. Many of the cases involved some aspect of professional development, such as preparation of court materials, practice points, cost of proceedings and professional costs and client management. These issues formed the basis of the discussion led by
Ms. Robertson who highlighted many of the “take away” practice points to come from these decisions. A copy of Ms. Robertson’s paper “2014 Cross Country Recap” can be found online with the meeting minutes.

Public Sector Lawyers

On December 3, 2014, the Public Sector Lawyers Section hosted a meeting in Vancouver broadcasting to members of their Section in Victoria and across the province on the topic “Freeman on the Land.” The speakers explained their experience and understanding of the Freemans on the Land movement and some sources for the movement in Canada. Some of the pseudo-legal concepts and methods used by this group of litigants were identified and steps to take in response outlined. The Meads case, where Associate Chief Justice Rooke of the Alberta Queen’s Bench coined the collective term “Organized Pseudolegal Commercial Argument” (OPCA) litigants to distinguish them from the more usual types of vexatious litigants, was referenced and practice advice was given on how lawyers can identify documents and arguments that are connected with this movement and the steps to take when faced with these types of litigants. The connections to mental health, access to justice, the Internet and other issues were discussed. The webinar recording is available online.

Taxation Law

The Tax Section welcomed very special guests from New York and Toronto on December 10, 2014. Stanley Ruchelman and Kenneth Lobo of Ruchelman P.L.L.C. presented on the Life of an Outbound Investment from the U.S. into Canada. Attendees were treated to an entertaining synopsis of the U.S. tax principles underlying basic planning strategies commonly encountered in cross-border transactions. The fundamentals of entity classification, asset transfer and phantom income taxation, access to treaty benefits and preservation of losses were addressed and applied to common scenarios. The presentation was geared specifically to Canadian tax practitioners unfamiliar with the Internal Revenue Code, with a view to fostering more effective collaboration between Canadian counsel and their U.S. counterparts.

UPCOMING SECTION MEETINGS

Looking for upcoming Section meetings? Check the online Sections Calendar or the CBA PD Resource site regularly as new meetings are added daily. Enrolled members automatically receive notice of their Section’s meetings by email. Enjoy the benefits of membership and enroll in Sections today. CBA members are reminded to keep their profile up to date with the Branch to ensure they receive notices.

CHATTER WITH CHAIRS

Kelsey O’Bray and Rachel Lammers on the CBABC WOMEN LAWYERS FORUM – KAMLOOPS

CBABC WLF – Kamloops Section is gearing up for its 5th Annual Retreat being held the weekend of February 28 – March 1, 2015 at the Quaaout Lodge Resort & Spa on the shores of Little Shuswap. The 2014 Retreat was well attended, which included judiciary members.

The 2015 Retreat is themed “Get the Point?” and will touch on communication with adjudicators, opposing counsel, coworkers and clients, with a discussion about how to get where you want to be while avoiding the pitfalls of unethical communication.

Keynote speakers include Madam Justice Daphne Smith of the BC Court of Appeal and NewQuest Coaching & Consulting, specialists in ethical issues and legal research involving new forms of online secondary sources, will lead a communications workshop. Come spend one or two nights at the Quaaout Lodge with us. There will be delicious food, time to visit the spa or traditional craft sessions and, best of all, the option to half your annual CPD required credits, including ethics! We hope to see you there!
It seems preposterous at first to suggest that a subject seemingly as narrow as video game law could be important, much less essential, to achieving an understanding of the current media/legal landscape.

Why that proposition might, in fact, be true becomes increasingly clear when considering the following factors:

- Video games have been on the leading edge of digital technologies for the last 30 years. For this reason it should be no surprise that emergent digital media legal issues were often first identified in the context of video games.

- Unlike some emergent digital media technologies, video games have had traditional profit-based business models and balance sheets attached to them almost from the beginning. Moreover, they have had audiences and fans almost from their inception as well. This ensured the development of the game genre, often through further investment in groundbreaking digital technologies.

- Video games were about interactivity right from the start. This meant they were upsetting to the traditional media apple cart. Where television uses transmitters to beam one-way entertainment to mass audiences, video games make you feel like you are the transmitter and the screen is responding to you (which in most cases is true).

**FIRSTS & FURthers**

Let’s look at some examples of where games broke barriers that we might not readily appreciate:

- Meaningful creative world/art-based interactivity arguably started with video games. From the very beginning you were interacting, first with the game’s artificial intelligence, such as it was, but almost immediately with other people. Think of “Pong” – you could play against the ghost in the machine or against others. Today’s massive multiplayer environments crossing continents and date lines are just differences of degree, not kind. In today’s social media world, there are no end of legal headaches traceable to interactivity – and video games anticipated most of them. Perhaps more impressively, what we think of today as social media has (in different forms) been present in the online “communities” that coalesced around various games a very long time ago.

- Today’s digital media world is often about the mechanics of controlling our devices. Though the development of the computer mouse had little to do with games, many of the technologies and idioms of interactive control arose or were furthered in a gaming context. Think of joysticks, directional pads and voice-command. Extend the principle and you can see (quite literally) 3D, and virtual reality through Oculus Rift (which Facebook recently purchased for approximately $2 billion). And you can hear “Voice over IP,” which had video-game antecedents about a decade before anyone had heard of Skype.

- Naturally there is much more not yet mentioned. Avatars and anonymity were both significant parts of the evolution of games. The development of micro-transactions was largely game-based. Finally, consider portable devices – you may well have played on a Nintendo hand-held long before you had an iPhone.

**SURPRISED? DON’T BE**

At the end of the day, true real-time interactivity is precisely the precious commodity that digital media made so easy to achieve. Accordingly, it should come as no surprise that today’s interactive digital media legal issues all have readily identifiable antecedents in the video game world. So should you be searching to identify the next legal frontier in the digital realm, you could do a lot worse than starting with the various emerging evolutions and revolutions that seem to present themselves almost daily in video-game land.

Jon Festinger, QC practises and is an adjunct professor at UBC Law School and sessional faculty at the Faculty of Law, TRU. He is also a faculty member of the Centre for Digital Media. The UBC course website for Video Game Law can be found at videogame.law.ubc.ca.
Whenever I answer “entertainment lawyer” to that age-old question of “What do you do” it tends to elicit the same curious and confused look I would give someone who told me they were an avid base jumper. Many tend to assume that an entertainment lawyer is either (i) the person a celebrity calls when he or she runs afoul of the law or (ii) Ari Gold from “Entourage.” While there are enough perks to make for good dinner party conversation, the day-to-day practice is far less salacious than either of the above options would suggest.

At the heart of it, entertainment law is a transactional commercial practice with the lawyer negotiating agreements for the exploitation of intellectual property, most notably copyrights, related to the entertainment space. Clients can be broadly categorized into two camps – talent (those who generate intellectual property) and business (those who exploit intellectual property). Similar to many corporate/commercial practices, entertainment lawyers tend to represent clients on both sides of the fence. From my experience as a primarily talent-side lawyer in the music, film and television fields, there are three things that are particularly distinct to the entertainment law space.

The first is that more so than your expertise in copyright law, clients retain you for your in-depth understanding of what business terms are standard in the industry. For many clients it’s their first time being offered an option agreement or record deal. Even for those who have been there before, given the dynamic nature of the industry, a transaction from just five years ago will have key commercial differences from a transaction today. As a result, an entertainment lawyer is often very active in guiding the key business terms of the transaction and clients tend to look to you to tell them what constitutes a fair deal in the circumstances.

The second is that, as a lawyer trying to build a practice in the field, you’re essentially placing bets on each new client you retain. The failure rate for projects in the entertainment field is extremely high. While it is theoretically possible to build a practice out of a revolving door of clients whose businesses fail to go anywhere, the real traction lies in having key clients that find prolonged success. Being able to spot clients with that rare combination of true talent and work ethic, and then leveraging your own contacts to surround those individuals with the right team, benefits not only your client but ultimately your own practice.

The final point is really a natural consequence of the first two, namely that the number of hats you may end up wearing with any particular client is almost limitless. It’s quite common for the entertainment lawyer to act as a go-to general counsel for a client. You manage all legal issues arising over the course of the relationship by overseeing the appropriate specialized counsel to handle those issues (e.g. real estate, tax, criminal, litigation, wills, etc.). In addition to lawyer, business strategist, creative advisor, financial planner and therapist, these are a few of the additional roles that I’ve fallen into over the years as I’ve watched clients grow from starving artists to leaders in their fields.

When your clients are primarily artists and entrepreneurs they value flexibility. For me, it’s the opportunity to flex a variety of skills beyond traditional legal analysis that has continued to make this a rewarding career as I enter my fifteenth year of practice.

Miro Oballa is a partner at the entertainment and media law firm Taylor Klein Oballa LLP. With offices in Toronto and Vancouver, Taylor Klein Oballa LLP represents pioneers and industry leaders across the entertainment and media fields.
The term “art law” might evoke scepticism or curiosity in Canada but it’s less likely to do so elsewhere. In the United States, it has been used since the 1970s with reference to laws affecting artists, both living and dead, along with cultural heritage generally. Intellectual property law has the clearest relevance to works of art since it defines the property rights associated with them. Other relevant laws include those pertaining to auctions, insurance, taxation and inheritance, fraud and forgery, obscenity and import and export controls. Such laws are of major interest to collectors, dealers and museums, and artists themselves. Beyond these mainly private law issues are public concerns about the vulnerability of historic and archaeological sites (including shipwrecks) and cultural material destroyed or damaged as a result of armed conflict or terrorism. The recovery of art and other cultural property stolen during the Holocaust has often involved complex legal questions, including statutes of limitation, sovereign immunity and the legal and ethical responsibilities of collectors and museums.

In Canada, the most high profile issue relating to cultural heritage has concerned this country’s First Peoples. While land and natural resource claims by First Nations have attracted most attention; there have been numerous instances of requests for the return of objects from museums and other institutions. These requests, particularly in the case of ancestral remains, have been made to institutions both inside and outside Canada. While such claims have almost always been resolved outside the courts, they engage consideration of moral and ethical – besides legal – principles. As such, they resemble the dynamics surrounding Holocaust-era disputes.

A particularly challenging problem in Canada is the level of protection afforded indigenous burial grounds and other cultural sites. Unlike the United States, Canada has no comprehensive federal archaeological resources legislation and provincial heritage legislation is notoriously inadequate. This is particularly a problem in British Columbia where rapid economic development presents ongoing risks to the security and integrity of ancestral sites.

Another First Nations issue that is still unaddressed is the legal protection surrounding intangible cultural heritage (such as legends, ceremonies, languages and other traditions). Conventional intellectual property norms are ill-suited to protect these features of traditional cultures. An attempt by the United Nations Educational, Scientific and Cultural Organization (UNESCO) to address the problem in the form of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage was initially not supported by Canada, apparently because our laws were not seen as affording the level of protection the Convention promised.

Many of the most progressive developments surrounding cultural heritage have been at the international level. In 1977, Canada enacted what is still our only statute relating exclusively to cultural property – the Cultural Property Export and Import Act, R.S.C. 1985, c. C-51. It also, for the first time, put restrictions on the removal of certain cultural material from this country. The law implemented Canada’s obligation (incurred as a result of our becoming a party to a 1970 UNESCO Convention) to co-operate in the return of objects smuggled out of the territories of other parties to the agreement and imported into this country.

Today, some prefer the term “cultural law” to “art law.” Just as the phrase “cultural heritage,” rather than “cultural property,” is seen to better reflect the true diversity of cultural expression, so the term “cultural law” better reflects the enormous diversity of issues surrounding the complexity of human culture. These issues are now increasingly being considered through the legal lens.

Apart from international trade law, Robert K. Paterson’s major interest is cultural heritage and art law.
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The CBABC reserves the right to change its membership fees at any time, without notice.  BT0215
2014 was a busy year in television, with the Canadian Radio-television and Telecommunications Commission’s (“CRTC”) “Let’s Talk TV” hearing taking centre stage. It was a sweeping hearing in scope and in its ambition to address all things television. The Commission chose not to deal directly with the emerging over-the-top market despite both Netflix and YouTube being asked to appear.

The rationale and timing for the hearing is clear: the federal government remains focused on fixing industries it considers unfriendly to consumers and scoring points in doing so before this year’s federal election. The television industry is certainly rife with many such practices. In the CRTC’s own report prepared by Harris/Decima, the top complaints from Canadians were the flexibility of channel changes and the cost of services (study can be found at crtc.ca).

Instead of focusing on both problems, the Commission began by focusing on only the first issue – allowing consumers to pick their own channels. They introduced (and the government promoted) the idea of a “Pick-and-Pay” requirement as a solution to cure both problems.

This idea has superficial appeal but it ignores industry requirements and the power dynamics of the Broadcasting Act, 1991 (the “Act”). The Act, which was not up for review, sets out the governing principles, including the importance of Canadian expression, diversity, employment and the airwaves as a public good. In practice, the Act governs such things as the CBC and Canadian channels that have specific Canadian license conditions. These channels provide diversity, expression, jobs and a large percentage of the exports from the system, but they also lack the marketing power to survive in a pure Pick-and-Pay market.

A purely consumer driven model also does not consider industry power dynamics. When cable launched, carriers were granted monopoly control of the consumer relationship in consideration for building the infrastructure. They then would negotiate with the channels for terms of carriage in the wholesale market. Channel brands held power for decades, until the number of services grew into the hundreds and customer control became essential. Carriers’ ability to control marketing and packaging allowed them to take over the system.

In Canada, this has led to vertical integration of the system as over the past decade carriers such as Bell, Shaw, Rogers and Video-tron have acquired more than 80% of available channels. Vertical integration has led to cable price increases in areas such as sports and premium services. For example, Bell Media have 41 channels, Shaw Media have 23, and Rogers have made a significant investment in NHL hockey. Most of the other channels, including Canadian independents, have seen their fees go down over the past decades even as cable bills have gone up.

Canada is now perhaps the most corporately concentrated media market in the industrialized world. A consumer-based approach will have little impact when carriers still control the marketing, packaging and pricing in the wholesale market. Market forces cannot work with so little room for competition.

Canadians who think they will be able to pick all their own channels at a highly reduced price are going to be disappointed. The Commission must find the wisdom to strike the best consumer choice, balancing the requirements of the Broadcasting Act with new rules to protect the system from the monopolizing impact of vertical integration. In any event, regulatory lawyers will have lots to do in 2015.

Brad Dank, LLB (1991) is currently Chief Operating Officer of OUTtv Network and an Adjunct Professor of Law at the University of Victoria.
The entertainment business is a business of relationships. The community of professionals in the entertainment business is surprisingly small and the line between work relationships and friendships is often blurred. While this collegial atmosphere is one of the benefits of working in the entertainment business, it can present a challenge for lawyers when trying to manage duty of loyalty obligations when a friend of the lawyer is on the other side of a transaction.

Rule 3.4-26.1 of the Code of Professional Conduct for British Columbia (the BC Code) states that, “A lawyer must not perform any legal services if there is a substantial risk that a lawyer’s loyalty to or representation of a client would be materially and adversely affected by the lawyer’s... (b) interest in the client or the subject matter of the legal services.” The commentary of this rule states that “Any relationship or interest that affects a lawyer’s professional judgment is to be avoided under this rule, including ones involving a ...friend of the lawyer.”

The Supreme Court of Canada addressed a lawyer’s duty of loyalty in Canadian National Railway v. McKercer, 2013 SCC 39 (class action). In applying the test to establish whether a lawyer’s representation of a client would be “materially and adversely affected,” the court states that one has to ask whether the representation of the client is “liable to create conflicting pressures on judgment” or “factors which may be reasonably perceived as affecting judgment.”

The practical question for the lawyer faced with this issue is how to effectively make the decision as to whether his or her judgment or representation of the client would be “materially or adversely affected.” It appears that this decision must be made by each individual lawyer in the circumstances, applying a standard of reasonableness. In making this decision, it is important to bear in mind one of the duties described in Canadian National Railway v. McKercer – the duty of candour. Applying this duty, it seems that a lawyer should always involve the client in the decision as to whether the lawyer’s friendship will affect his or her loyalty or ability to effectively represent the client, even if the lawyer does not believe that his or her judgment would be affected.

At the outset of the retainer, it is advisable for a lawyer in this position to send the client a letter that addresses the lawyer’s friendship with the other party. The letter should: 1) advise the client of the nature of the relationship and describe how the lawyer’s friend may benefit from the completion of the transaction. 2) state that while the lawyer is not of the opinion that his or her judgment or ability to represent the client will be compromised by the friendship, the lawyer recognizes that the relationship in question may create the perception that the lawyer’s judgment or ability to represent could be affected. The client should be given the option of consenting to the lawyer’s representation and effectively waiving any actual or perceived conflict in the matter, or withdrawing the retainer and seeking new counsel. The client should also be advised of his or her right to seek independent legal counsel regarding the matter of the potential conflict.

While an entertainment lawyer’s friendships within the entertainment business are often the lawyer’s most reliable sources of work, it is important to balance those friendships with the lawyer’s duties under the BC Code.

The community of professionals in the entertainment business is surprisingly small and the line between work relationships and friendships is often blurred.

Patrick Aldous is a partner at the entertainment law firm Atkins and Company in West Vancouver. The music business is the primary focus of Patrick’s practice.
As good a lawyer as you may be, you just can’t have a good enough argument against taking this opportunity.

I’m a young lawyer and started my own law practice just over a year ago. My talent lies in marketing and my goals are to grow my business and help people. Lawyer Referral Service (LRS) has helped me achieve both these goals. Let me explain.

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In the past year, I have enjoyed a steep learning curve when it comes to attracting business, keeping it afloat and also doing the best I can as a lawyer. From personal experience, I suggest some tips to follow to have a successful practice whether you are an associate, a partner, or own your own firm:

1. A successful business means clients come to you.
2. A successful lawyer has a good reputation in the legal community, gives back to the public and consistently upgrades his/her education.
3. A good lawyer must be honest and give with passion. These are characteristics that will attract people and push you to new levels of personal and career success.

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2. Grows Your Reputation and Exposure:
   Events during Law Week, such as Dial-A-Lawyer Day, connect you with other lawyers in your community. These connections are not only enjoyable and get you more involved with the legal community, they are also a source of networking and client referrals.

3. Provides Learning Opportunities:
   Lawyers learn how to do their job through experience – trial and error. Participating in CBABC events, meeting with other lawyers and asking questions which may not be within your specialty will provide you with free education.

4. Helps You Help Others: We are privileged members of our society and have an obligation to help those who need our help but cannot always afford it. Being passionate about what we do includes being honest and kind enough to meet and help those who we do not always meet when we require a $10,000 retainer. Our names and reputations will benefit from taking a day aside and focusing on giving rather than taking. What better way than to use the LRS service to do just that?

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DID YOU KNOW?

- LRS is 100% funded by the Law Foundation of BC.
- With BC Advantage, CBA members’ annual membership dues include unlimited access to all Sections (78 BC and 32 National) – giving you the ability to easily earn all 12 hours of your yearly CPD.

Leena Yousefi, Barrister and Solicitor, is the founder of YLaw Group, a firm specializing in family law. To get in touch with her, call 604-974-9529.
The Provincial Court of BC (the “Court”) recently concluded a project designed to provide easy-to-understand information for the public and a useful resource for lawyers.

The Court has been rolling out changes to its website Provincial-Court.bc.ca for more than a year, starting with the overall look of the website. New changes include:

- Updating information with current legislation and resources;
- Providing specific navigation guidance for groups of users, including lawyers;
- Making site navigation more intuitive;
- Adding informative material and links for both lawyers and unrepresented litigants;
- Offering information and videos about recent initiatives and innovations; and

- Launching an eNews service with short items about the Court and related resources.

The site now places items of interest to lawyers in a location quickly accessible from the home page. It also offers many more links, including links to statutes and rules applied in Provincial Court. The Court is asking lawyers, law students and other legal professionals to help improve its website further by providing feedback and suggesting additional information that would assist them and their staff.

Please visit the website, explore the resources there, and provide feedback through the anonymous survey.

Receive eNews by subscribing to RSS on the website or following the Court on twitter.com/@BCProvCourt.

For more information on 2015 Law Week activities and ways to get involved, visit bclawweek.org.

EVENT REMINDER

BC Law Week

Law Day in Canada is April 16, 2015. Events will be held in various communities throughout BC in April, including open houses, law classes, a high school forum with the three Chiefs, the Barry Sullivan Law Cup and Dial-A-Lawyer Day on April 18. This year’s theme is Access to Justice: What does it mean to YOU?

CBA NATIONAL NEWS

CBA 2015 Second Vice-President Election

Pictured L-R: Kerry Simmons, QC and Catherine Sas, QC

Two candidates from British Columbia are vying for the position of CBA Second Vice-President for 2015-2016.

The candidates are:
- Catherine Sas, QC
- Kerry Simmons, QC
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ABBOTSFORD
IN PARTNERSHIP WITH THE ABBOTSFORD & DISTRICT BAR ASSOCIATION
CBABC Full Day Professional Development in Abbotsford (6 CPD Hours)
Date: February 18, 2015
Location: Best Western Plus Regency Inn, Abbotsford

PARKSVILLE
IN PARTNERSHIP WITH CBABC SOLICITORS GENERAL PRACTICE – CENTRAL VANCOUVER ISLAND SECTION
Joint Professional Development Conference in Parksville (3 CPD Hours)
Date: February 19, 2015
Location: Tigh-Na-Mara Resort & Conference Centre, Parksville

VICTORIA
IN PARTNERSHIP WITH THE VICTORIA BAR ASSOCIATION
Every Lawyer’s Tackle Box – Common Tricks and Traps in Marine Law for Non-Marine Litigators and Solicitors (2 CPD Hours)
Date: March 4, 2015
Location: Victoria Marriott Inner Harbour, Victoria

KELOWNA
IN PARTNERSHIP WITH CBABC FAMILY LAW-OKANAGAN & ADR-OKANAGAN SECTIONS
Joint Professional Development Conference in Kelowna (6 CPD Hours)
Date: March 12, 2015
Location: Big White Ski Resort, Kelowna

SMITHERS
CBABC Full Day Professional Development in Smithers (6 CPD Hours)
Date: May 2, 2015
Location: Perry & Company, Smithers
CBABC WLF News

CBABC WLF 2015 AWARDS LUNCHEON: FEATURING THE RIGHT HONOURABLE KIM CAMPBELL

The CBABC Women Lawyers Forum (WLF) is pleased to announce that its 2015 Awards Luncheon will take place on Thursday, April 23, 2015 with guest speaker, The Right Honourable Kim Campbell.

The CBABC WLF Awards Luncheon celebrates the accomplishments of women in the legal profession through the WLF Award of Excellence and the Debra Van Ginkel, QC Mentoring Award, both of which will be presented to their recipients at the 2015 Awards Luncheon. Further event details and registration to follow in March 2015.

INTERNATIONAL WOMEN’S DAY

The CBABC WLF once again invites you to raise a glass with your fellow female lawyers and celebrate International Women’s Day with us on March 6, 2015. Event details and registration to follow in February 2015.

CBA NATIONAL NEWS

CBA Defends Integrity of Solicitor-Client Privilege in M.N.R. v. Thompson at Supreme Court of Canada

In its intervention before the Supreme Court of Canada in the appeal of Minister of National Revenue v. Thompson, the Canadian Bar Association (CBA) defends the integrity of solicitor-client privilege and argues that the definition of “solicitor-client privilege” in s. 232(1) of the Income Tax Act maintains the common law definition and does not restrict its scope.

“And statutory encroachment on solicitor-client privilege must be clear and explicit and interpreted restrictively,” says Mahmud Jamal, pro bono legal counsel in the intervention. “Client names and other financial information contained in a law firm's administrative records can be privileged if they were provided to obtain legal advice,” he added.

Read more online

CLEBC Update

BRITISH COLUMBIA BUSINESS DISPUTES

Winner of the ACLEA Award of Outstanding Achievement in Publications, British Columbia Business Disputes canvasses a full array of causes of action in a wide range of commercial activities, from contractual breaches and common law torts to rights of action conferred under federal and provincial statutes. It incorporates the latest legal developments, with a focus on BC cases. Intended to provide guidance for solicitors advising clients and litigators pursuing or defending claims, a chapter on each dispute area includes critical analysis of key elements, defences, jurisdiction, remedies and leading case law, as well as practice tips.

The book is updated regularly. Subscriptions include online access with search capability and links to the full text of case law and legislation. Online only annual subscriptions are also available.

Clebc’s CPDone Pass: a new option for purchasing programs. Obtain 12 hours of CPD credit through CLEBC by choosing from several online learning options such as live webinars, CLE-TV, rebroadcasts and Self-Paced eLearning. Complete your annual CPD requirements easily, conveniently and affordably! Priced at only $850 + taxes per year.

For more information about CLEBC products and services, see cle.bc.ca.

Read more online
BC LEGISLATIVE UPDATE

ACTS IN FORCE

Current from October 29, 2014 to December 16, 2014

Legislative Update is provided as part of the CBABC legislative and law reform program. It is a service funded by CBA membership fees, and is therefore provided as a benefit of CBA membership. The full version of Legislative Update is now only published online and is available exclusively to CBA members at cbabc.org.

  Sections 22, 26 and 34 are in force December 1, 2014

  Section 4, insofar as it enacts sections 10.01 and 10.02 of the Nisga’a Final Agreement Act, S.B.C. 1999, c. 2 is in force December 4, 2014. Sections 1 to 3 of Bill 7, that part of section 4 not brought into force are in force on December 4, 2014. Sections 5 to 25, 32, 34, 39 to 41, 43 to 56 and 59 of Bill 7 are in force December 31, 2014. Section 31 of Bill 7 is in force January 1, 2015

- **OFF-ROAD VEHICLE ACT, S.B.C. 2014, C. 5 (BILL 13)**
  Sections 1, as it enacts the definitions of “off-road vehicle,” “officer,” “owner,” “vehicle” and “vehicle identification number,” 2 to 12, 13 (1) (a), 15 (1) (a), (b), (c) and (f), (2) (a) and (b), (4), (5) (a) to (d) and (6) to (9), 27, 30 (1) and (2) (a), (c), (e) to (g), (t) and (u), 35 to 40, 41, as it repeals the definition of “dealer” in section 1 and sections 2, 3, 6 and 7 (2) (f), (i) and (k) of the Motor Vehicle (All Terrain) Act, R.S.B.C. 1996, c. 319, 42 to 49 and 51 to 54 of the Off-Road Vehicle Act, S.B.C. 2014, c. 5 (Bill 13) are in force November 17, 2014

BRANCH & BAR

Calendar

**FEBRUARY**

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<th>Event</th>
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<tr>
<td>9</td>
<td>Family Day</td>
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<tr>
<td>18</td>
<td>CBABC PD Seminar: CBABC Full Day Professional Development — Abbotsford</td>
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<tr>
<td>24</td>
<td>CBABC PD Seminar: Extra! Extra! New Hot Topics in Insurance Defence Litigation — Webinar</td>
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<tr>
<td>28 - March 1</td>
<td>Fifth Annual CBABC Women Lawyers Forum - Kamloops Conference &amp; Retreat — Quaaout Lodge &amp; Spa, Chase</td>
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**MARCH**

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<th>Date</th>
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<tr>
<td>4</td>
<td>CBABC PD Seminar: Every Lawyer’s Tackle Box – Common Tricks and Traps in Marine Law for Non-Marine Litigators and Solicitors — In-person in Victoria + Webinar</td>
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<tr>
<td>5</td>
<td>Retirement Celebration for Justice Selwyn Romilly — Vancouver</td>
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<td>7</td>
<td>Provincial Council Meeting — Richmond</td>
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<td>7</td>
<td>Vancouver Bar Association Alpine Team Championship — Whistler Blackcomb</td>
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<tr>
<td>12</td>
<td>CBABC PD Seminar: Joint Professional Development Conference — Big White Ski Resort, Kelowna</td>
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<td>27</td>
<td>Executive Committee Meeting — Vancouver</td>
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Visit cbabc.org for all activities and promotions. Check the CBABC News & Jobs weekly e-newsletter for seasonal promotions and special offers.

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Call 1-888-687-3404 and get information on how to partner with CBABC!
Do you get unexpected legal questions from artistic clients? In the practice of law, one inevitably gets asked to provide legal advice or information in an unfamiliar area of law. This may present a great opportunity to make a referral to a colleague. Alternatively, it may be a chance for you to learn more about a different area of law, provide some summary advice or direct a client to relevant public legal information resources. So where does one turn when questions arise in the area of Arts and Entertainment Law?

**ARTISTS’ LEGAL OUTREACH:** Get a quick summary of copyright law, download a sample licensing agreement, learn about terms commonly found in recording agreements or read about requirements for Canadian artists travelling to the US. These are just a few of the useful links you can find on this free site. There’s no search function, so a good place to start your inquiry is under the “Subjects” heading. Content is classified by general subject area. There is also a “Copyright Toolkit” under the “Resources” heading, with some Q&A’s on Copyright Law. The Artists’ Legal Outreach also hosts a Pro Bono Legal Clinic on Wednesday evenings. Upcoming legal clinics as well as information on how to book an appointment are all available on the website artistslegaloutreach.ca.

**CLICKLAW:** Operated by the Courthouse Libraries BC, the Clicklaw website (clicklaw.bc.ca) features general legal information specific to BC. A quick search for “Entertainment Law” will link you to information on music law and copyright. Clicklaw is a great source of practical legal information covering a wide range of areas of law.

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**2015 CBABC LEGAL DIRECTORY**

The Canadian Bar Association BC Branch annually publishes the CBABC Legal Directory, a comprehensive and up-to-date listing both alphabetically and geographically, of all lawyers in BC including corporate counsel and lawyers in government. Extensive listings of law-related organizations, courts, judges, commissions and other professional services make the Directory an invaluable resource.

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CBABC.ORG/DIRECTORY
**LAW FOUNDATION OF BRITISH COLUMBIA**

Funding totalling $7005,000 was approved for the following 20 continuing programs:

<table>
<thead>
<tr>
<th>Amount</th>
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<td>Operating Grant</td>
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<td>BC COURTHOUSE LIBRARY SOCIETY</td>
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<td>Law Centre Clinical Program</td>
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<td>Poverty Law Advocacy Program</td>
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<td>Law Reform and Public Legal Education Program</td>
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<td>Volunteer Legal Advocacy Program</td>
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<td>Advocacy Program</td>
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<td>$35,000</td>
<td>PRO BONO STUDENTS CANADA – UBC</td>
<td>Community Placement Program</td>
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<tr>
<td>$30,000</td>
<td>PRO BONO STUDENTS CANADA – UVIC</td>
<td>Student Placement Program</td>
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<tr>
<td>$20,000</td>
<td>DEBATE AND SPEECH ASSOCIATION OF BC</td>
<td>Law Foundation Cup</td>
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<tr>
<td>$20,000</td>
<td>FOUNDATION FOR LEGAL RESEARCH</td>
<td>Legal Research Program</td>
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<tr>
<td>$50,000</td>
<td>UNIVERSITY OF BRITISH COLUMBIA</td>
<td>Innocence Project</td>
</tr>
<tr>
<td>$40,000</td>
<td>UNIVERSITY OF BRITISH COLUMBIA</td>
<td>Law Foundation Public Interest Awards</td>
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<tr>
<td>$30,000</td>
<td>UNIVERSITY OF VICTORIA</td>
<td>Law Foundation Public Interest Awards</td>
</tr>
<tr>
<td>$20,000</td>
<td>THOMPSON RIVERS UNIVERSITY</td>
<td>Law Foundation Public Interest Awards</td>
</tr>
<tr>
<td>$19,800</td>
<td>UNIVERSITY OF BRITISH COLUMBIA</td>
<td>Sexual Assault Against Older Women: Barriers to Access to Justice</td>
</tr>
<tr>
<td>$17,000</td>
<td>UNIVERSITY OF BRITISH COLUMBIA</td>
<td>Solitary Confinement in Canadian Prisons: Tort Law as a Platform for Change</td>
</tr>
<tr>
<td>$17,500</td>
<td>JOHN HOWARD SOCIETY OF BRITISH COLUMBIA</td>
<td>Reviewing the Application of Legal Rights for Youth Detained Outside of Youth Custody Centres in British Columbia</td>
</tr>
<tr>
<td>$17,000</td>
<td>CANADIAN RESEARCH INSTITUTE FOR LAW AND THE FAMILY</td>
<td>An Evaluation of the Clicklaw Wikibook ‘JP Boyd on Family Law’</td>
</tr>
<tr>
<td>$8,700</td>
<td>UNIVERSITY OF VICTORIA</td>
<td>Assessing Recent Regulatory Responses to Consumer Vulnerability in the Mainstream and Alternative Consumer Credit Markets</td>
</tr>
</tbody>
</table>

Funding totalling $300,000 was approved for the following two Strategic Initiative Fund grants:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Organization</th>
<th>Program Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$150,000</td>
<td>KI-LOW-NA FRIENDSHIP SOCIETY</td>
<td>Family Law Advocacy Pilot Project</td>
</tr>
<tr>
<td>$150,000</td>
<td>QUESNEL TILLICUM SOCIETY</td>
<td>Family Law Advocacy Pilot Project</td>
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The following grant amounts were approved at the November Board meeting:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Organization</th>
<th>Program Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$100,000</td>
<td>ABBOTSFORD COMMUNITY SERVICES SOCIETY (PROGRESSIVE INTERCULTURAL COMMUNITY SERVICES SOCIETY)</td>
<td>Legal Advocacy Program</td>
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<tr>
<td>$75,000</td>
<td>BC FAMILIES IN TRANSITION</td>
<td>Legal Support Services Program</td>
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<tr>
<td>$175,000</td>
<td>DISABILITY ALLIANCE BC SOCIETY (FORMERLY BC COALITION OF PEOPLE WITH DISABILITIES)</td>
<td>Advocacy Access Appeals Program</td>
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<tr>
<td>$75,000</td>
<td>DISABILITY ALLIANCE BC SOCIETY (FORMERLY BC COALITION OF PEOPLE WITH DISABILITIES)</td>
<td>Canada Pension Plan Disability Program</td>
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<tr>
<td>$150,000</td>
<td>KETTLE FRIENDSHIP SOCIETY</td>
<td>Mental Health Legal Advocacy Program</td>
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<tr>
<td>$75,000</td>
<td>MSAIC</td>
<td>Legal Advocacy Program</td>
</tr>
<tr>
<td>$110,000</td>
<td>MPA – Motivation, Power &amp; Achievement Society</td>
<td>Court Services Program</td>
</tr>
</tbody>
</table>
CBABC Professional Development courses are designed to meet the needs of lawyers while still maintaining the opportunity to network and advance one’s career, practice and business. We pride ourselves in bringing courses to lawyers that will provide the required professional responsibility and ethics, client care and relations, and practice management component for 2015 Law Society of British Columbia reporting.

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Who’s Moving
Where and When

**Michael Hetherington**
has started his own firm, Hetherington Wills & Estates, in Dundarave Village, West Vancouver. Michael’s practice is limited to the area of wills, estates and trusts.

**Harold R. Dreyer**
is continuing his foreclosure practice at Fulton & Company LLP as senior advisory counsel commencing January 1, 2015.

**Donald T. Knapp**
is continuing his estates practice at Fulton & Company LLP as senior advisory counsel commencing January 1, 2015.

**Sherryl Dubo**
joined the partnership of Fulton & Company LLP on January 1, 2015. Sherryl’s practice focuses primarily on insolvency law matters.

**Wanda Simek**
is an associate at Hakemi Ridgedale LLP. She brings broad experience to matters, including shareholder and partnership disputes, defamation, professional negligence, real estate litigation and construction litigation.

**Wesley McMillan**
brings extensive real estate and construction dispute experience to Hakemi Ridgedale LLP as their new associate counsel.

**Brian D. Ross**
is continuing his business law practice at Fulton & Company LLP as senior advisory counsel commencing January 1, 2015.

**Kathryn Sainty**
retired as the Registrar of the Supreme Court in June. She now practises at Sainty Law as an arbitrator, mediator and litigation consultant emphasizing matters before the registrar.

**Michael Hetherington**
has started his own firm, Hetherington Wills & Estates, in Dundarave Village, West Vancouver. Michael’s practice is limited to the area of wills, estates and trusts.

**Carl May**
has joined Remedios and Company as an associate counsel practising in the areas of commercial and general civil litigation.

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new members

November & December 2014

Regular Members

Desiree C. Acosta
RWE Law Corporation
Vancouver

Naomi Arbabi
Vancouver

Theressa Etmanski
West Coast Domestic Workers’ Association
Vancouver

David Kandestin
DuMoulin Black LLP
Vancouver

Homayoun Sebastian Nejat
Vancouver

Josiane Reid
Vancouver

Todd M. Shikaze
Davis LLP
Vancouver

Fanda Wu
MacLean Law
Vancouver

Margot McMillan
joined the partnership of Fulton & Company LLP on January 1, 2015. Margot practises extensively in the area of commercial finance for institutional lenders throughout BC.

Leah Card
joined the partnership of Fulton & Company LLP on January 1, 2015. Leah’s practice focuses primarily on comprehensive estate planning and estate administration.

Kristian Littmann
joined the Corix Group of Companies as senior legal counsel.

Kimberley Fenwick
has been hired as legal counsel with the BC Safety Authority. Kimberley will provide legal support throughout the organization, including conducting appeals, advising on use of statutory authority and reviewing contracts.

Katrina Leung
joined Richards Buell Sutton, where she is a member of the firm’s business, securities and Asia Pacific practice groups.

To view all new members, including Law Students, please visit cbabc.org/bt/nm_1502
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or call Kristin at 604.629.5186

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