



PRESIDENT'S MESSAGE

Ron attended the University of British Columbia where he received degrees in both law and commerce in 1989. The challenges of law won him over and he began practicing civil litigation with an emphasis on personal injury. Since 1998 he has practiced exclusively for accident victims. During the course of his career Ron has appeared in all levels of Court in British Columbia. He has successfully conducted both jury and judge alone trials.

BY RON NAIRNE
GIUSTI NAIRNE

The mission statement of TLABC reads that we “support and promote the rights of individuals in British Columbia.”

In this edition we explore how we can pursue that goal. As a starting point it is useful to refer to our stated core values which build on our mission statement. As an organization, we strive to:

- preserve the jury system
- improve the professionalism and standards of trial lawyers
- enhance access to justice
- protect the innocent
- promote judicial integrity and independence

New members may not be aware that TLABC has recently litigated to important cases that squarely faced the issues of access to the Courts and of the jury system.

In *Trial Lawyers Association of British Columbia v. British Columbia (Attorney General)*, 2014 SCC 59 we successfully argued that the hearing fees in place at the time restricted access to the Courts:

[32] The historic task of the superior courts is to resolve disputes between individuals and decide questions of private and public law. Measures that prevent people from coming to the courts to have those issues resolved are at odds with this basic judicial function. The resolution of these disputes and resulting determination of issues of private and public law, viewed in the institutional context of the Canadian justice system, are central to what the superior courts do. Indeed, it is their very book of business. To prevent this business being done strikes at the core of the jurisdiction of the superior courts protected by s. 96 of the *Constitution Act, 1867*. As a result, hearing fees that deny people access to the courts infringe the core jurisdiction of the superior courts...

[36] It follows that the province's power to impose hearing fees cannot deny people the right to have their disputes resolved in the superior courts. To do so would be to impermissibly impinge on s. 96 of the *Constitution*

TRIAL LAWYERS ASSOCIATION of BC

TLABC MISSION STATEMENT

To support and promote the rights of individuals in British Columbia.

VALUES

Together we strive to: promote the rights of individuals, preserve the jury system, improve the professionalism and standards of trial lawyers, enhance access to justice, protect the innocent, promote judicial integrity and independence.

EXECUTIVE COMMITTEE

PRESIDENT
Ron Nairne

1ST VICE PRESIDENT
John Rice

2ND VICE PRESIDENT
Kevin Gourlay

SECRETARY/TREASURER
Elizabeth Sadowski

PAST PRESIDENT
Sonny Parhar

AT-LARGE
Heather Bains
Mark Berry
Erin Bowman
Timothy Delaney
Raj Dewar
Michael Holroyd
Sam Jaworski
Jesse Kendall
Dana Quantz
Susanne Raab
Kelley Stewart
Saro Turner

BOARD OF GOVERNORS

NORTHERN BC
John Duncan

KOOTENAYS
Wes Rogers

VANCOUVER
Ravneet Arora
Louisa Chantler
Manjot Hallen
Ronald Kumar
Nicholas Peterson
Dianna Robertson
Krista Simon
Adam Ueland

VANCOUVER ISLAND
Aesha Faux
Steve Frame
Rory Lambert
Jennifer Langwith
Greg Phillips
Michael Pohorecky

WESTMINSTER
Daryl Brown
Todd Brown
Meena Dhillon
Christopher Dyson
Thomas Harding
Naz Kohan
David Sliman
Jennifer Tater

YALE
James Coffer
Jock Craddock
Bill Dick QC
Joe Zak

YUKON
Dan Shier

AT-LARGE
Tara Chandler
Candace Cho
Daniel Corrin
Whitney Derber
Kevin Filkow

John Green
Keri Grenier
Trudy Hopman
Simon Irving
Jaimie Kidston
Jasmine Kooner
Etienne Orr-Ewing
Jaime Sarophim
Michael Shirreff
Jeff Wiffen

AAJ GOVERNORS
Ed Montague
Richard Parsons

AAJ REVITALIZATION GOVERNOR
Bryan Fitzpatrick

AAJ DELEGATES
David Klein

AAJ MINORITY CAUCUS
Azool Jaffer-Jera

TLABC STAFF

CHIEF EXECUTIVE OFFICER
Shawn Mitchell
shawn@tlabc.org

FINANCE DIRECTOR
June Gambrel
june@tlabc.org

THE VERDICT PUBLISHER
Julia Chalfoux
julia@tlabc.org

MEMBERSHIP DIRECTOR
Karen St. Aubin
karen@tlabc.org

DIRECTOR OF RELATIONSHIP MARKETING (PAC)
Merri Hagan
merri@tlabc.org

EDUCATION DIRECTOR
Erin Monahan
erin@tlabc.org

DIRECTOR OF PUBLIC AFFAIRS
Todd Hauptman
todd@tlabc.org

ADMINISTRATIVE ASSISTANT
Valeska Gonzalez
valeska@tlabc.org

FOLLOW US



Act, 1867. Rather, the province's powers under s. 92(14) must be exercised in a manner that is consistent with the right of individuals to bring their cases to the superior courts and have them resolved there.

In *Trial Lawyers Association of British Columbia v. British Columbia*, 2017 BCCA 324 we argued that jury fees similarly impeded access to the Courts. The Court held that there is no inherent right to a civil jury trial and thus jury fees could not impede a core function of the court.

Despite the mixed success, both decisions are important contributions to our ongoing efforts to ensure justice is available to individuals of modest means, not just corporations with millions to spend. Every TLABC member ought to be proud of these cases. In a similar vein, we are now embarking on a court challenge to the minor injury caps and the CRT, both of which we consider attacks on the ability of the individual to access justice. We look forward to having the opportunity to challenge these unprecedented attacks on our justice system, in which the most vulnerable are likely to be the most negatively affected.

The TLABC educational program is second to none. Our CLEs make a huge contribution to the skill and professionalism of our members, another core value. I recently attended the Young Lawyers retreat to participate in the mentoring sessions. The retreat is a unique opportunity for young lawyers to meet with and learn from senior members of the Bar in order to get practical advice on the many challenges we all face starting our careers in this challenging but rewarding profession. I was heartened to see that our newest members maintain the passion for justice that is central to this organization. I have no doubt that these newest TLABC members will continue to fight for the rights of individuals and that they will take TLABC in exciting new directions as they become the future leaders of this organization.

At the retreat I learned that many of our young members wish to pursue practices in family and criminal law. They are relying on legal aid tariffs to do so. TLABC is a long time advocate of increased legal aid funding, which in the past two decades has lagged both inflation and increases given to the Crown counsel. Legal aid cases represent some of the most important issues faced by individuals including child custody and even the very right to liberty itself. While the government has recently announced interim new funding measures, the fundamental problem remains. Long term solutions that provide stable legal aid funding are required in order to ensure access to justice on these important matters. TLABC will continue to advocate strongly in support of enhanced legal aid.

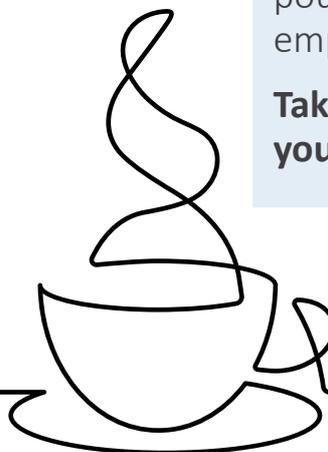
I am proud to call myself a TLABC member. The work this organization does, and will continue to do, is important and makes an important contribution to justice in British Columbia.

SOME YEARS ARE EASIER THAN OTHERS

Remember:

You cannot pour from an empty cup.

Take care of yourself first.



LAPBC is an independent organization of members of the BC legal community (lawyers, judges, families and support staff).

We provide peer support and referral services to help people deal with personal problems – including alcohol and drug dependence, stress and anxiety, depression and other issues. Our committed volunteers and staff provide confidential, compassionate, and knowledgeable help; core services include outreach, support and education. We provide counselling, peer support etc.

Whether you are seeking information for yourself or someone else, LAPBC aims to help.



WE ARE AVAILABLE
24 HOURS A DAY,
7 DAYS A WEEK.

604.685.2171 or 1.888.685.2171

ALL CALLS ARE STRICTLY CONFIDENTIAL

lapbc.com