

The Law Society of British Columbia



It was a troubling to Mr. Gaffney because about a year after the said, "permanent brain injury" Mr. Keirstead got his first custodianships in Mar 2007, and another a month later:

"THIS COURT ORDERS THAT:

1. Graeme Keirstead, barrister and solicitor, be appointed the custodian of the law practice of Kenneth N. Taschuk"

Taschuk"

and Mr. Gaffney knowing that catching a lawyer who had run off with trust funds would be difficult for a lawyer in good mental health, if he really wanted to catch a lawyer who had shuttered his practise and run-off after seeding his files *with rat feces as Mr. Keirstead reported, see attached.*

Mr. Gaffney had already received a response from Mr. Keirstead on 3 Mar 09 see attached who had stated that he was reviewing the matter and seeming to say he would be doing nothing about it.

Reply to: Andrea Brownstone
Direct Line: 604-443-5715
Please refer to Our File No. 20090227

CONFIDENTIAL

March 23, 2009

Via Email

in reference to a a letter published by Mr. McGowan in a letter intended for Mr. Gaffney dated 30 Oct 08, quote about Mr. Graheme Keirstead, in which the letter published: "... a local young lawyer permanently brain injured about 3 years ago." ... which was known to be Mr. Keirstead without naming him.

Mr. Harold Gaffney

Insert here: to Mr. Graeme Keirstead with copy to

Not slanderous or libelous but extremely suspicious, since Mr. Keirstead does not object to what was said about him being permanently brain injured about 3 years ago and it can be published now that the words said are not libelous or slanderous to Mr. Keirstead. .

Dear Mr. Gaffney:

Re: D. Ross McGowan; Our File No. 20090227

Your email correspondence addressed to Mr. McGee has been forwarded to me for review. It appears that you are complaining about Mr. McGowan, alleging that Mr. McGowan has made statements that you believe to be slanderous and libelous.

Please note that findings of libel and slander are determinations that must be made by a Court. It is not within the jurisdiction of the Law Society to make that assessment, and thus, we will not be investigating your complaint in that regard. I also point out that Mr. McGowan is entitled to provide his opinion to his client; that you disagree is not the basis for an allegation of professional misconduct.

Accordingly, we are declining to investigate your complaint pursuant to Rule 3-5(2) of the Law Society Rules, which states:

- "3-5 (2)** The Executive Director may decline to investigate a complaint or other matter, if the Executive Director is satisfied that the complaint or matter
- (a) is outside the jurisdiction of the Society,
 - (b) is frivolous, vexatious or an abuse of process, or
 - (c) does not allege facts that, if proved, would constitute a discipline violation."

Please note that this letter and other documents relating to this complaint are not admissible as evidence in any proceedings without the consent of the author of the material or the Executive Director required pursuant to section 87 of the *Legal Profession Act*.

Clearly, Ms. Brownstone states, Mr. Keirstead won't be claiming against Mr. McGowan.

The ordinary reading is that the writer, Ms. Brownstone, discussed it with Mr. Keirstead and he does not take offence to what was published about him, on 30 Oct 08; and now anyone is free to publish that, Mr. Keirstead does not take offence to himself as being classed as permanently brain injured about 3 years ago.

To assist the Law Society in ensuring that its investigation of complaints is fair and effective, I am enclosing a questionnaire I hope you will complete and return. Alternatively, you may complete the Survey online at: <http://alt.lawsociety.bc.ca/forms/pc/ccomplaint.cfm>.

In response to your request Mr. Gaffney herewith marks up your documents and e-mails them back to you for your reconsideration:



Yours truly,

Andrea Brownstone
Manager, Professional Conduct

AW/sb
20090227\1-mar1109
Encls.

c. Mr. D. Ross McGowan

All of this suggests that something may have happened 3 years ago that Mr. McGowan was witness to, that resulted in a serious brain injury and or a claim for head injuries --- which may be something like a skiing accident, like say no signs were posted, where signs should have been posted, to warn a novice skier about danger ahead and the skier would not have gone, except for ski hill negligence. Otherwise how could Mr. McGowan allege some permanent brain injury 3 years ago, unless he had direct knowledge of something in that regard that had occurred 3 years ago. Also that would explain why Mr. Keirstead was not concerned about what Mr. McGowan had said about him in a matter in relation to him 3 years ago. Ms. Brownstone herself at the time of this writing was only one year employed with the law society and already she had become Manager, Professional Conduct.

Survey

Complaint Survey (Complainant form)

The Law Society
of British Columbia



845 Cambie Street
Vancouver, BC
Canada V6B 4Z9
Telephone: 604 669-2533
Toll-free in BC: 1-800-903-5300
Fax: 604 605-5399
TTY: 604 443-5700
Email: professionalconduct@lsbc.org
Website: www.lawsociety.bc.ca

The Law Society wants to ensure that the investigation and assessment of complaints against lawyers is as fair and effective as possible. The purpose of this questionnaire is to provide you with the opportunity to comment on the handling of your complaint to the Law Society. We hope that you will take a few minutes to complete this questionnaire.

Once you have completed this questionnaire, please return it in the stamped addressed envelope provided.

Expectations

We would like to know what you expected the Law Society would do when you made your complaint. Did you expect that the Law Society would ... (please check all that apply)

- Find you a new lawyer?
- Compensate you financially?
- Reduce the lawyer's fees?
- Change a court order?
- Get involved in your court case?
- Provide you with a hearing for your complaint?
- Give you a second opinion on your case?
- Make a note of your complaint?
- Make the lawyer do something for you?
- Investigate your complaint?
- Punish the lawyer?
- Other (please specify) _____

Process

We would like to know how satisfied you were with the way in which we dealt with your complaint. Please indicate your degree of satisfaction with each of the following:

	Satisfaction		
Your complaint was dealt with fairly	<input type="checkbox"/> Not at all	<input type="checkbox"/> Somewhat	<input type="checkbox"/> Very
Your complaint was dealt with quickly	<input type="checkbox"/> Not at all	<input type="checkbox"/> Somewhat	<input type="checkbox"/> Very
Your complaint was dealt with courteously	<input type="checkbox"/> Not at all	<input type="checkbox"/> Somewhat	<input type="checkbox"/> Very
Your complaint was dealt with thoroughly	<input type="checkbox"/> Not at all	<input type="checkbox"/> Somewhat	<input type="checkbox"/> Very
You were kept informed about developments	<input type="checkbox"/> Not at all	<input type="checkbox"/> Somewhat	<input type="checkbox"/> Very

We would like to know how satisfied you were with each of the following ways of communicating with you, if that method was used. Please indicate your degree of satisfaction with each of the following:

	Satisfaction			
Personal meeting	<input type="checkbox"/> Not at all	<input type="checkbox"/> Somewhat	<input type="checkbox"/> Very	<input type="checkbox"/> Does not apply
Written communications	<input type="checkbox"/> Not at all	<input type="checkbox"/> Somewhat	<input type="checkbox"/> Very	<input type="checkbox"/> Does not apply
Telephone communications	<input type="checkbox"/> Not at all	<input type="checkbox"/> Somewhat	<input type="checkbox"/> Very	<input type="checkbox"/> Does not apply

Results

Was the result of your complaint what you expected?

Yes Somewhat No

How satisfied were you with the result?

Not at all Somewhat Very

If someone you knew had a concern about a lawyer, would you recommend that he or she make a complaint about that lawyer to the Law Society?

Yes No Not sure

Overall comments

Is there anything else you think we should know regarding our process?

Thank you for taking the time to complete this questionnaire.

For administrative purposes only: 20090227

The Law Society of British Columbia



COPY

Reply to: Andrea Brownstone
Direct Line: 604-443-5715
Please refer to our File No. 20090227

CONFIDENTIAL

March 23, 2009

Mr. D. Ross McGowan
Barrister and Solicitor
#1200 – Waterfront Centre
200 Burrard Street, P.O. Box 48600
Vancouver, BC V7X 1T2

Mr. Gaffney attaches below his INFORMATION to Mr. Keirstead --- Custodian of the Law Society of British Columbia, and Mr. Keirstead's response.

an INFORMATION

Dear Mr. McGowan:

Re: Harold Gaffney; Our File No. 20090227

I am writing to advise that we have received, and closed, ~~a complaint~~ concerning you from Mr. Harold Gaffney. In this regard, I enclose a copy of Mr. Gaffney's email dated March 3, 2009, with attachments.

Also enclosed is a copy of my letter of today's date to Mr. Gaffney indicating that the evidence does not support a finding of professional misconduct on your part. Accordingly, we now regard this matter as closed. This letter is for your information only, and no response is required.

Please note that this letter and other documents relating to this complaint are not admissible as evidence in any proceedings without the consent of the author of the material or the Executive Director required pursuant to section 87 of the *Legal Profession Act*.

To assist the Law Society in ensuring that its investigation of complaints is fair and effective, I am enclosing a questionnaire I hope you will complete and return in the enclosed envelope, or, alternatively, you may complete the Survey online at: <http://alt.lawsociety.bc.ca/forms/pc/lcomplaint.cfm>.

Yours truly,

Andrea Brownstone
Manager, Professional Conduct

Mr. Gaffney has responded to the request by marking up all relevant evidence and e-mailed it back to Mr. Brownstone.

As Mr. McGowan is aware, Mr. Keirstead is not going to file a claim against him for libel, slander and or defamation because of knowledge he has of about what really happened on the said "about 3 years ago"

AW/sb
20090227\2-mar1109
Encls.
c. Mr. Harold Gaffney

From: GKeirstead@lsbc.org
To: harold_gaffney1@hotmail.com
Date: Tue, 3 Mar 2009 17:37:33 -0800
Subject: RE: LSBC File No. 20081027 --G. Stepehn Alsace, Asst. Counsel, CIBC legal Dept.

Mr. Gaffney,

I acknowledge receipt of your e-mail; I will deal with the matters raised by you as I deem appropriate.

Regards,

Graeme Keirstead

Manager

Special Compensation Fund & Custodianships

Law Society of British Columbia

(604) 605-5330

This e-mail is privileged and confidential, and any use of it by an unintended recipient is prohibited. If you received this e-mail in error, please e-mail it back to me immediately and delete it from your system. Thank you.

From: Harold Gaffney [mailto:harold_gaffney1@hotmail.com]
Sent: Tuesday, March 03, 2009 3:04 PM
To: custodianship; Graeme Keirstead
Subject: FW: LSBC File No. 20081027 --G. Stepehn Alsace, Asst. Counsel, CIBC legal Dept.

Tuesday, March 3, 2009

Hello Mr. Keirstead,

I am forwarding you this email, since you have been named in a letter authored and published by Mr. D. Ross McGowan of Borden Ladner Gervais.

It is always a sad day when members of an organization find ways to cut one of their own brothers and make false allegations for profit that can only damage a reputation. I can only hope Mr. Keirstead that if the allegations made about you, by Mr. Ross McGowan, are false, wherein he claims that you have been permanently brain injured three years ago, that you will not allow them to stand. Otherwise the public should seriously be concerned about your responsibilities as a Manager of Custodianships and Special Fund.

Thanking you in advance for accepting receipt of this email.

Signed,
Harold Gaffney

From: harold_gaffney1@hotmail.com
To: tmcgee@lsbc.org; gturriff@stikeman.com; gridgway@ridgco.com; ghume@fasken.com; randreone@lawsonlundell.com; kberge@bhclaw.ca; blom@law.ubc.ca; rbrun@harrisbrun.com;

3/23/2009

> From: SBratina@lsbc.org
> To: harold_gaffney1@hotmail.com
> Date: Mon, 23 Mar 2009 16:23:42 -0700
> Subject: Law Society File No. 20090227

>
> Dear Mr. Gaffney,

>
> Attached please find a copy of a letter from Ms. Brownstone, with enclosures.

>

>

>

> Regards,

>

>

>

> Sylvia Bratina
> Assistant to Andrea Brownstone, Manager
> Professional Conduct
> Law Society of British Columbia
> Direct Line: 604-443-5754
> Email: sbratina@lsbc.org

>

> This e-mail is privileged and confidential, and any use of it by an unintended recipient is prohibited. If you received this e-mail in error, please e-mail it back to me immediately and delete it from your system. Thank you.

>

>

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3/23/2009

Keirstead reported that one of the first in-house custodianships — which began March 1 of this year — is estimated to have saved \$30,000 in external fees. The case resulted from a lawyer's failure to comply with an undertaking to the Law Society to wind-up his practice following a disciplinary suspension. It required a search -and -seizure order and a sheriff's assistance to take custody of 200 boxes of practice records from the lawyer's home. There were no accounting records, many of the files were mouldy and some contained rat feces. Law Society staff are now reconstructing the financial records to determine if clients are owed money. Staff have spent more than 1,600 hours (including 700 hours of lawyer and paralegal time) on the file.

The Law Society is further reducing custodianship costs by increasing the use of locums to manage or terminate the practice of another lawyer. These are cases where the society is in a position to seek the appointment of a custodian, but the lawyer has made acceptable arrangements, such as the estate of a deceased lawyer retaining counsel to wind up the practice.