



## ON THE FRONT COVER

ROBERT WILLIAM McDIARMID, Q.C.,  
PRESIDENT OF THE LAW SOCIETY  
OF BRITISH COLUMBIA

*By Carol Kerfoot*

The current president of our governing body was recognized, early in life, as a person of considerable intellect when at the tender age of 17 he led the Burnaby Central High School "Reach for the Top" team. His athletic skills were not quite as remarkable, although it may be that the number of times he banged his head on the mat in wrestling matches was part of the process through which sense was knocked into it. Rob always had an entrepreneurial flair, participating with a couple of high school classmates to organize the most successful after-grad party in the school's history. In fact, it was so successful that four years later, in the fall of 1972, the entire committee packed its bags and landed on the doorstep of the UBC Faculty of Law. Rob's tenure there is not the subject of much recorded history, which is to say that his academic record was very respectable and he didn't get into any trouble that anyone remembers. "Going to court" meant the alumni squash court at Cecil Green, where much "studying" was done. Suffice to say that it was a delightful time, perhaps marked by slightly less intensity in terms of bookwork and competition than is the case for most graduates today and by slightly more time spent enjoying fine food, fine wine, recreation and the company of good friends.

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While his classmates scurried around looking for articles, Rob had no hesitation in terms of his professional direction. He headed straight back to Kamloops (where he had lived from birth until the death of his father when he was eight years of age) and joined the firm of Millward and Co., which was then led by Peter Millward. Rob follows in Peter's footsteps as the president (formerly called the treasurer) of our law society. The firm became Morelli Chertkow, and our president has practised there as a litigator to this day. His work involves complex civil matters, with an emphasis on construction and other commercial problems, employment and administrative law. Highly regarded for his professional expertise (he was appointed Queen's Counsel in 1996), he has never permitted his personal legal practice to occupy all of his time. The Law Society of B.C., which he has served as a bencher since 1998, has been the recipient of much of his effort and attention. Over the years he has served on numerous committees and task forces, acting as chair of the discipline, audit, practice standards and special compensation committees, served most recently as its first vice-president and chaired the B.C. Courthouse Library Society. While service on a provincial scale has been dictated, to a certain extent perhaps, by the political winds blowing in Victoria, Rob served as the chair of B.C. Housing Commission, as a trustee of the Royal Inland Hospital and as a director of Thompson Country Community Futures. He has also lectured in business law at the University College of the Cariboo.

Rob's enjoyment of athletics and good times didn't end with his introduction to the law. He continues to ski with lots of passion and has actually appeared in public after the age of 40 in a racy downhill racing suit—behaviour that some might consider slightly risqué for someone destined to become the president of such an august body as the Law Society of British Columbia. However, Rob hasn't slowed down, on the ski hill or on his bicycle. He is always going a mile a minute. He studied French for a week in Quebec last summer and took advantage of the opportunity while there to fit in a bike ride of over 400 kilometres.

His family have also been the beneficiaries of his enthusiasm for life and high energy. Son, Andrew, and daughter, Sarah, have kept him busy as banker, playmate and cheerleader with their activities, which include coaching downhill ski racers and bass guitar playing (in the basement of their house), in addition to things like post-secondary education.

Rob's dedication to his community and his profession have been with him for a lifetime, and we are indeed fortunate to have the service of such an energetic, fun-loving and pragmatic lawyer as our president.



## ARE WE LISTENING?

*By Chief Justice Donald Brenner and  
Deputy Attorney General Allan Seckel, Q.C.\**

**T**he call from the client community is becoming louder and more insistent. Clients of all types are telling the legal community that they are not receiving what they want from lawyers or from the justice system. Is anyone listening? If so, are we prepared to take any meaningful steps toward change?

### RESTRUCTURING JUSTICE CONFERENCE

In June 2005 the Civil Justice Reform Working Group (the "CJRWG"), the B.C. Ministry of Attorney General and the Continuing Legal Education Society of B.C. jointly sponsored the Restructuring Justice Conference in Vancouver. This was a well-attended event that challenged participants to step back and examine the B.C. civil justice system and to question the basic assumptions that underlie that system. The foundation of the conference was laid, in part, by the CJRWG's Green Paper published in September 2004.<sup>1</sup>

At the conference there were many highlights. Among them:

- Chief Justice Donald Brenner described the decrease in the number of Supreme Court civil trials, which raises obvious questions about the cost and complexity of the present process and the accessibility of the Supreme Court to most citizens.
- Geoffrey Davies AO, former justice of the Court of Appeal from Queensland, Australia, a noted advocate of reform, suggested that we must question our basic assumptions about the adversary system and whether it is the best system in which to find the truth. During his lunchtime address he explained the joint expert rules recently implemented in Queensland.
- The Family Justice Reform Working Group provided highlights of its report advocating significant reforms in the area of family law in the province.<sup>2</sup>
- Chief Judge Hugh Stansfield and Associate Chief Judge Dennis Schmidt explained how the Provincial Court process has evolved (and is continuing to evolve) to better meet the needs of its users.
- Professor Susan Daicoff focused on how lawyers are struggling with the demands and imperfections of the present system and how creative new approaches are being invented not only to help their clients, but to reduce the toll on their personal lives (including problem-solving, mediation, collaborative law, restorative justice, and the like).

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\* Co-chairs of the Civil Justice Reform Working Group. The views expressed in this article are the views of the authors alone and do not necessarily represent the views of the Supreme Court of B.C., the Ministry of Attorney General or the Civil Justice Reform Working Group.