

2024 LSBC 13
File No.: HE20230024
Rule 3-10 Proceeding Initiated: December 13, 2023
Decision issued: March 11, 2024

THE LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL
IN THE MATTER OF THE *LEGAL PROFESSION ACT*, SBC 1998, C.9

AND

A PROCEEDING CONCERNING

NAOMI ARBABI

(a Lawyer of the Law Society of British Columbia)

DECISION OF THE INTERIM ACTION BOARD

Proceeding date: December 28, 2023

Interim Action Board: Michael F. Welsh, KC, Chair
Jennifer Chow, KC, Bencher
Thomas L. Spraggs, Bencher

Law Society Counsel: Ilana Teicher

Appearing on her own behalf: Naomi Arbabi

INTRODUCTION AND NATURE OF PROCEEDING

[1] The Lawyer sued her neighbour seeking damages of \$30,000 plus \$1,000 per day for “trespass by way of loss”, an unknown legal construct, over a divider installed between their units. That divider was installed on direction of the strata corporation in the strata complex where they both live and not by her neighbour. The Lawyer’s complaint was that it partially obstructed her view of Stanley Park and the North Shore mountains. She filed her lawsuit in the Supreme Court of British Columbia but adapted the Notice of Civil Claim to say that she was actually suing in the “naomi arbabi court” for which she directed, amongst other demands, “the man who at times acts as judge or magistrate to give his oath ... at the naomi arbabi court”.

[2] The neighbour applied successfully to strike the claim as vexatious. The Lawyer went public with a podcast interview in which she advocated views that this interim action board (“Board”) finds fall within what are commonly called Organized Pseudolegal Commercial Arguments (“OPCA”s), which the Board addresses more fully in its reasons below.

[3] The Law Society initiated a proceeding under section 26.01 of the *Legal Profession Act*, SBC 1998, c.9 (the “*Act*”), and Rule 3-10 of the Law Society Rules (the “*Rules*”) to this Board seeking an order suspending the Lawyer from the practise of law until the earlier of:

- (a) the final disposition of any proceedings arising from the Law Society’s investigation into the Lawyer’s conduct in Law Society file no. CO20231205, including a citation hearing if one is authorized, or resolution by consent agreement; or
- (b) a rescission or variation of the order is made under Rule 3-12(12).

[4] This Board on the date of the proceeding made the interim order sought, with these reasons to follow.

RULE 3-10: INTERIM SUSPENSION OR PRACTICE CONDITIONS

[5] Rule 3-10 provides that three or more Benchers may impose conditions or limitations on the practice of a lawyer, or suspend a lawyer, if the Benchers are satisfied that extraordinary action is necessary to protect the public:

Interim suspension or practice conditions¹

¹ Law Society Rules 2015, Division 1.1 – Extraordinary action to protect the public, Rule 3-10

3-10 (1) Under this rule, an interim action board may make an order with respect to a lawyer or articulated student who is the subject of

- (a) an investigation or intended investigation under Rule 3-5 [*Investigation of complaints*], or
- (b) a citation under Part 4 [*Discipline*].

(1.1) When a proceeding is initiated under Rule 3-12 (3) [*Public protection proceeding*], the President must appoint an interim action board, consisting of 3 or more Benchers who are not members of the Discipline Committee.

(2) If satisfied, on reasonable grounds, that extraordinary action is necessary to protect the public, an interim action board may

- (a) impose conditions or limitations on the practice of a lawyer or on the enrolment of an articulated student, or
- (b) suspend a lawyer or the enrolment of an articulated student.

(3) An order made under subrule (2) or varied under Rule 3-12 [*Public protection proceeding*] is effective until the first of

- (a) final disposition of the existing citation or any citation authorized under Part 4 [*Discipline*] arising from the investigation, or
- (b) rescission, variation or further variation under Rule 3-12.

[6] To make an order under Rule 3-10 the presiding interim action board must be satisfied, on reasonable grounds, that extraordinary action is necessary to protect the public (Rule 3-10(2)). The onus of proof in such a proceeding is on the Law Society.

[7] In a Rule 3-10 proceeding, the Benchers are not making findings of fact or determining whether the allegations are established.² The question that must be answered in the affirmative before imposing any extraordinary action is the following: absent making the order, is there a real risk to the public in the administration of justice?³

[8] In answering this question, the following should be considered:

- (a) There must be a *prima facie* case for the allegations.

² See *Law Society of BC v. Lawyer TUV*, 2020 LSBC 41.

³ *Law Society of BC v. Lawyer AAA*, 2023 LSBC 37

- (b) ... [P]rotection of the public includes all of the interests of the public, including the public's interest in the administration of justice and public confidence in the legal profession.
- (c) The risk to the public must be serious. The seriousness of the risk if the lawyer was to be permitted to continue to practise without restrictions must be considered, including the seriousness of the allegations, the nature of the evidence and the likelihood of the alleged conduct being repeated prior to any hearing.
- (d) The order must not be overly broad and should include only those restrictions necessary to protect the public – the consequence of the order for the Lawyer should not be disproportionate to the risk from which the Board is seeking to protect the public.⁴

[9] The Law Society submits that there is a sufficient basis for the Board to act if we take the view that there is a *prima facie* case for the allegations and, having regard to the material as is put before us, it requires that the public be protected by an interim order.⁵

[10] The Law Society submits that it initiated this proceeding to protect the public interest against actions of the Lawyer which, if proven, could result in a finding of either conduct unbecoming the profession or professional misconduct or both, which are adverse determinations under section 38(4) of the *Act*.

FACTS

[11] The Lawyer was called to the bar and admitted as a member of the Law Society in 2014. The Lawyer's practice, conducted through Envision Law Corporation, focused on residential real estate transactions. She has no professional conduct record.

[12] Evidence at the proceeding consisted of an affidavit of K. Neufeld-Heinrichs affirmed December 22, 2023, with 30 exhibits, and the direct evidence of the Lawyer taken under oath (she was not cross-examined).

[13] The Lawyer owns and lives in a strata lot in a strata complex in the greater Vancouver area. That strata complex is governed by a strata corporation under the *Strata Property Act*, SBC 1998, c. 43.

⁴ See *Lawyer AAA* at para. 19 and 20

⁵ See for instance, *Law Society of BC v. Lawyer CDE*, 2017 LSBC 3 at para. 7, *Law Society of BC v. Lawyer EFG*, 2017 LSBC 16 at para. 10, *Law Society of BC v. Lawyer KLM*, 2018 LSBC 21 at para. 15

[14] On October 5, 2023, the Respondent commenced a Supreme Court of British Columbia action by filing a Notice of Civil Claim in the Vancouver Registry against her neighbour as the defendant to the claim. Of note is the unusual pleading style, unknown to appropriate legal practice, that refers to the plaintiff in the proceeding as “the woman: naomi arbabi,” in lower case letters. The defendant is also referred to in the same peculiar manner, using lower case.

[15] On the first page of the Notice of Civil Claim, in addition to the standard wording as provided in the Supreme Court Civil Form, is the following; “see variations to this form attached as ‘notice of requirement of court’ and ‘rules of court’”.

[16] The Lawyer’s “Notice of requirement of court” states as follows:

Greetings to the man or the woman, who at times acts as the clerk of the court; i, am grateful for your time, your attention and your services;

i: a woman; naomi arbabi; say at a time when those of mankind trespass on the rights of i, and in doing so instead of providing remedy they knowingly hide behind the complexities of the legal system, it is time for i, to come forward as a woman present in honour to seek remedy by opening a case to press this claim of trespass against those of mankind i, believe have done trespass to i;

i, say after many attempts to keep this private and to operate as a woman with rights, no remedy has been given and instead only more wrongs have been committed by way of threats, extortion and barratry which if carried out i, say amount to abuse of the legal system;

this has led i, to now require a court of record to press a claim of trespass and to present i, before a man or woman who is competent of property and trespass law, there to keep the peace and put forward the orders of naomi arbabi court;

i, wish to press this claim on a woman i, believe knowingly continues to trespass on the rights of i, and whom i, have noticed of this trespass;

for the sake of clarity, i, will not be appearing or representing as a member of the bar association or under any surname or as a civilian, and i, will not diminish the status of i, to any legal titles such as but not limited to lawyer, pro se, complainant, plaintiff or claimant;

i, will be present simply as a woman to press a claim of trespass;

i, simply require a room to move this case through the court and i, choose to be present before a court of record under oath, there to testify with facts to support claim of trespass;

i, require no legal advice and no legal forms as i, am not present as a member of the bar association and this is a claim, not a complaint;

that said, in order to move this claim through the naomi arbabi court in a timely manner, i, may agree in good faith to use your forms with variations noted within the forms or as described in a notice such as this or other attachments to fit the circumstances of this claim, but this should not be construed by any man or woman as the submission of i, to any legal titles, legal codes, acts or statutes;

...

i, say herein and verify in open court all be true;

[17] The attached document titled “Rules of Court”, also signed by the Lawyer as “naomi arbabi, woman”, states as follows:

1. i: a woman; naomi arbabi; will be present to press a claim of trespass under oath at the naomi arbabi court on the date scheduled by the clerk of the court at the court of british columbia supreme court;

2. i, require the man who at times acts as judge or magistrate to give his oath to the following at the naomi arbabi court:

i, [state your name] give oath that i, will be true to serve those of mankind in the office of judge or magistrate and will do right by all manner of mankind, and uphold the law, there to witness a claim with facts to support said claim and to render a verdict without fear, favour, affection or ill will so help i, god;

3. i, require a court of record for the naomi arbabi court at the court of british columbia supreme court;

4. i, require every man and woman summoned to give oath to testify to what is true under penalty of perjury;

5. this court will not accept any legal arguments, codes, acts and or statutes as this is a court in law based on the law of the land and therefore a presumption of contract does not apply to i;

6. this court will only accept claims with facts and evidence to support any and all claims;

7. this court is to be private;

8. i, say if the woman summoned for trespass does not have a lawful excuse for the trespass or claims to the contrary, and the man or woman acting as magistrate or the jury has the findings of facts and conclusions of law on the record to make a verdict in favour of i, the woman whom now presses this claim, then the orders of the naomi arbabi court are to be enforced and orders presented before said court to be tendered to the clerk of the court with the final verdict, the orders binding bear the court seal of the court of british columbia supreme court upon it and is to be carried out in 21 days of the verdict; i, say if the men or women or clerk of the court believes it is not possible to proceed in this lawful manner, then the naomi arbabi court requires their findings of facts and conclusions of law on the record to prevent trespass on a case;

i, say all herein be true and will verify at open court;

[18] In the “Statement of Facts” in the Notice of Civil Claim, the Lawyer described her claim in part as: “i, claim that a woman, [the defendant’s name], after being noticed does knowingly trespass on i”

[19] In the Relief Sought” portion the Lawyer claims include the following:

1. ... i, now require compensation as per the notice sent to the woman: [the defendant’s name] on September 28, 2023 which totals \$30,000 for the 30 days as of the date of this notice since the trespass started plus \$1,000 per every additional day until trespass has been remedied in court;
2. plus administrative cost for the notices of \$4,200 as of the date of this notice plus court fees and other expenses;
3. alternatively, i, may accept at the sole discretion of i, anything of equal value which may be offered as compensation.

[20] Under the ‘Legal Basis’ heading of the Notice of Civil Claim, the Lawyer stated, among other things: “this is a claim based on law of the land, and not a complaint based on legal codes acts or statutes”.

[21] The Notice of Civil Claim makes no reference to any actual laws, including any statutes or case law.

[22] On October 24, 2023, the defendant neighbour (the “Layperson”) filed a Response to Civil Claim and a Notice of Application.

[23] In her Response to Civil Claim, she denied the alleged claims in their entirety and stated that the Notice of Civil Claim “discloses no reasonable claim”; “is unnecessary, scandalous, frivolous and vexatious”; and “is an abuse of process”.

[24] In her Notice of Application, the Layperson applied to strike the pleadings under the Supreme Court Civil Rule 9-5. In doing so she referenced both statute and caselaw in support of her submissions.

[25] On November 7, 2023, the Lawyer filed an Application Response, in which she stated the legal basis for opposing the suit being dismissed, and included the following:

12. even if this was a legal complaint made by the legal fiction dead entity, NAOMI ARBABI, the registered owner of the title to strata lot 28, based on legal acts, codes or statutes:

...

... this claim is not for enforcement of any bylaws that may be the duty of the legal fiction STRATA COUNCIL, rather it is for the loss of enjoyment and value of property caused by an unlawful trespass;

[26] The application was heard by an Associate Judge of the Supreme Court in chambers on November 29, 2023. It attracted public attention. The court reserved judgment, which was delivered, striking out the claim, after this proceeding was heard by the Board but before these reasons were issued. While the court’s judgment is published and thus in public domain, the parties have had no opportunity to make submissions about it and so the Board does not take it into consideration when making its determination in this proceeding.

[27] After the Supreme Court released its decision on January 19, 2024, the Board learned that the Lawyer resigned as a practising lawyer in British Columbia.

The CBC news article

[28] All proceedings in British Columbia are open to the public unless a court has made an order to have a matter closed. While disputes in the courts attract a range of public interest, this particular dispute received specific and extended media attention. Although media attention is not normally a consideration for the Law Society in and of itself, the manner in which the Lawyer interacted with the media is of relevance.

[29] On December 1, 2023, the CBC published an article written by Bethany Lindsay, entitled “Vancouver lawyer who sued neighbour over deck divider accused of pseudolegal ‘paper terrorism’”. The article described the chambers hearing in detail and included several statements made by the Lawyer and the Layperson in court.

[30] The Lawyer agreed to meet with the CBC reporter before the article was published at which time she read out a further “notice” to the reporter that stated with respect to the projected news article: “As such harm is a very grievous trespass, i, shall claim remedy in the amount of \$500,000 for such trespass plus \$5,000 a day for as long as the trespass continues”. A copy of this purported notice was published along with the article by the CBC.

The Kid Carson Podcast

[31] On December 18, 2023, a 1 hour and 13 minute episode of Kid Carson’s ‘KID POD’ podcast was broadcast entitled ‘Law for Mankind – Naomi Arbabi’, consisting of a live conversation between the Lawyer and Kid Carson (the “Podcast”). A full transcript of the Podcast is in evidence.

[32] The Podcast began with a statement by the host that “what really got [him] was that [the Lawyer] mentioned hey, I’m a former lawyer”, at which point the Lawyer corrected him to state that she is still a lawyer but, “[p]erhaps very soon it will be former”.

[33] The Lawyer then clarified that she is “a woman” and “at times [she acts] as a lawyer”. She proceeded to read a ‘notice’ stating, in part: “I, a woman, Naomi Arbabi, now notice you as mankind that I only wish to speak to you as a man or a woman. I take no titles here and I give no advice of any kind including legal advice”.

[34] In the Podcast, the host mentioned that he “googled” the Lawyer’s name and saw “some stuff on the CBC and a couple other mainstream, I think even the LA Times did a story on you over a, a legal dispute you had”. The Lawyer discussed what she called the “law for mankind”: a separate, alternative system of ‘law’ from the conventional legal system, and allegedly superior to it. The Lawyer referred to the civil litigation proceeding against the Layperson as “a very simple claim” that she “could have done without, in sort of the legal way the, the usual route that normal people would take”, but she decided to implement her knowledge about the law for mankind instead, and therefore “make the claim as a woman rather than as an identity”.

[35] The Lawyer acknowledged in the Podcast that she reviewed a “lot of court cases” in the course of the civil litigation proceeding, where “a lot of people” have attempted to make similar arguments as hers before the courts, but their claims were struck. The Lawyer conceded that those cases have been “labeled pseudo legal and vexatious” but

took the view that they failed because “those claims they didn’t come from a man or a woman ... because a man or a woman stands in honour ... So the reason they’re labelled vexatious because it was pretty obvious that they were just claiming, coming forward as a man or a woman not understanding what it actually means”.

[36] It was clear from the Podcast that the Lawyer voluntarily and intentionally chose to proceed with the civil litigation proceeding in a form and manner that does not abide by the conventional legal system. She stated that when she filed her claim in court, “I decided, like I said I didn’t have to do any of this. I had a very clear case but I wanted to do it this way”, and “I could have gone the traditional route and I probably would have gotten a result much sooner”.

[37] The Lawyer’s definition of the “law for mankind” was “basically an understanding or a knowledge about what we actually are”. When asked by the Podcast host: “So you’re saying as a woman, the current system or matrix of laws that have been created don’t apply to you”, the Lawyer replied that “it’s a very simple way of putting it but you know you have to know what it is to be a woman before you can just sort of walk that path and say these don’t apply to me”. She went on to say that we were all acting under “identities”, “playing a board game”.

[38] She compared the Canadian legal system to a board game that “has some rules so when you’re playing that board game, your piece has to adhere to those rules but you’re the man or the woman sitting outside moving that”.

[39] It appears from the Podcast that the Lawyer advanced an argument that there is a duality between the “identities” we bear in the regular legal system (e.g., acting as a lawyer) and our true selves, which are exempt from the rules of the regular legal system and answer only to the “law for mankind”. She therefore distinguished between “representing an identity in court” and being “present” in court.

[40] She explained that her claim in the civil litigation proceeding was made “for my property, the property of I, the woman on the real land, not the, the strata lot so that shows up on the title because it’s not the same. The title was just that, it’s just a piece of record ... it’s giving me another identity, registered owner ... [T]he title of the property is just some coordinates of, of you know where the property lies within the jurisdiction, the legal jurisdiction”.

[41] From her statements in the Podcast, it appears that the Lawyer takes the position that the identity of “registered owner”, the land title system, and the regime under the *Strata Property Act* are temporary, optional “identities”. She contrasted these “identities” from the idea of property simply as “what’s proper to you or I to the exclusion of others

in society”, that she advances as an equally, if not more, legitimate legal basis for a civil claim.

[42] Strikingly, she told the Podcast host with respect to her years as a practising lawyer, “I practiced law but I was just practicing it. Going through this claim, I mastered it because now I get exactly where things stand ... I’m a woman and that is a board game, a jurisdiction, a legal system that I can be a part of if I want to represent my identity”. The Lawyer then states that “[i]t doesn’t matter if ... the woman who acted as the judge comes out and dismisses my claim ... that would be completely wrong because the claim was very clear and there’s no reason for dismissing it [emphasis added]”, and re-iterated her view that “I’ve still won no matter what”.

[43] The lawyer expressly referred to the Law Society in the Podcast. In describing her choice to proceed with the civil claim as she did, she stated: “*I had envisioned like the Law Society not being happy about this but it was, it was fine with me [emphasis added]*”.

[44] In explaining the meaning of her claim as “trespass by way of loss”, the Lawyer stated that “[t]respass is just a wrong ... you wronged with intention” and that “[y]ou take someone to court when they trespass on you ... You go to court with the intention to restore honour between you and the other person ... And the judge’s role is not a referee. The judge or magistrate is, is the embodiment of honour ... they’re supposed to be the embodiment of honour and restore honour between the parties”.

[45] The Lawyer contrasted the “woman’s court” with the conventional court: whereas the latter was a “wrestling show” with a “referee”, the former was “a place of forgiveness and compassion not a place of adversarial reactions and sort of a wrestling, a fight, it’s not a place to fight”. The Lawyer’s Podcast statements (also found in her pleadings) apparently indicated that a claim of “trespass” reversed the conventional onus and burden of proof, such that the person accused had to prove that they had a “lawful excuse” for the “trespass” and provide a remedy.

[46] In summary, the Board finds that in the Podcast appearance by the Lawyer, she publicly did the following:

- (a) represented herself as a lawyer, while also stating that she “perhaps very soon will be [a] former” lawyer;
- (b) claimed that she can appear in court “as a woman” and sever this identity from her legal training and even from her existence within the legal system (as demonstrated by the pleadings and her submissions in the civil litigation proceeding);

- (c) stated she considers the “law for mankind” to be a legitimate alternative to, and superior to, the conventional legal system for advocacy and claims resolution;
- (d) stated she considers her conduct in relation to the civil claim and her interactions with the CBC reporter to be entirely correct, and stated that the judge would be completely wrong to dismiss her claim but she, the Lawyer, would “win” regardless;
- (e) claimed that the legal system and legal jurisdiction are akin to a “board game” or “superimposed matrix” over the real land, and that their rules only applied if people were choosing to play the game (this expressly included the law relating to property ownership);
- (f) agreed that the court clerks at the British Columbia Supreme Court “don’t even know the rules of their own game”;
- (g) admitted that the Law Society would not approve of the civil claim, and was aware of the “clash” between it and the legal system but chose to proceed anyway; and
- (h) recommended a website called “The Sovereign’s Way” for people to learn more about the “law for mankind”.

[47] The civil litigation proceeding, the chambers application and the Podcast have attracted media attention both inside and outside this province, including commentary in a podcast by an Alberta lawyer who heavily criticized the Lawyer and her claims in the context of her role as a practising lawyer in BC. The CBC news story has been picked up by several other news outlets.

POSITION OF THE LAW SOCIETY

[48] The Law Society submits that the nature of the alleged professional misconduct, or alternatively conduct unbecoming, is serious. It raises grave concerns about the Lawyer meeting her most fundamental duties as a minister of justice and an officer of the court, and as a member of this profession to uphold and maintain the rule of law and the administration of justice. The Law Society references rules 2.1, 2.1-1 and 2.1-5 of the *Code of Professional Conduct*, (the “Code”) and the Barrister’s and Solicitor’s Oath that the Lawyer took to “... uphold the rule of law and the rights and freedoms of all persons according to the laws of Canada and of the Province of British Columbia”.

[49] The Law Society also refers to the rule on “Integrity” in 2.2-1 of the *Code* and to the related commentary that:

[2] Public confidence in the administration of justice and in the legal profession may be eroded by a lawyer’s irresponsible conduct. Accordingly, a lawyer’s conduct should reflect favourably on the legal profession, inspire the confidence, respect and trust of clients and of the community, and avoid even the appearance of impropriety

[50] It also refers to the commentary to rule 5.6-1 of the *Code*:

[1] The obligation outlined in the rule is not restricted to the lawyer’s professional activities but is a general responsibility resulting from the lawyer’s position in the community. A lawyer’s responsibilities are greater than those of a private citizen. A lawyer should take care not to weaken or destroy public confidence in legal institutions or authorities by irresponsible allegations. The lawyer in public life should be particularly careful in this regard because the mere fact of being a lawyer will lend weight and credibility to public statements....

[51] The Law Society refers to the *Berge*⁶ decision on the standards expected of lawyers in their private lives:

The Benchers find that lawyers in their private lives must live up to a high standard of conduct. *A lawyer does not get to leave his or her status as a lawyer at the office door when he or she leaves at the end of the day.* The imposition of this high standard of social responsibility, with the consequent intrusion into the lawyer’s private life, is the price that lawyers pay for the privilege of membership in a self-governing profession. ...

[emphasis added]

[52] The Law Society, akin to the arguments made by the Layperson in the application to strike the pleadings in the civil claim, submits that the Lawyer in the civil proceeding has taken up and advanced what the courts call “Organized Pseudolegal Commercial Argument” or OPCA, that has been universally discredited in every case where a litigant has raised it.

[53] It refers to the Law Society of Ontario Tribunal decision in *Bogue*,⁷ where the lawyer was given an interim suspension for advancing theories and arguments that were

⁶ *Law Society of BC v. Berge*, 2007 LSBC 7 at para. 38 (on review upholding the hearing panel on facts and determination, 2005 LSBC 28 and disciplinary action, 2005 LSBC 53).

⁷ *Law Society of Ontario v. Bogue*, 2019 ONLSTH 53

not factually credible or supported by the legal authorities that he relied on, as well as referring to inapplicable and/or fictional laws and treaties. He was found first by the Ontario Federal Court and then the Tribunal to have advanced discredited OCPAs. In the Tribunal decision the panel stated the following at paras. 44, 47 and 58:

Many of the Lawyer's key arguments and theories are "OPCAs," to use the terminology from *Meads v. Meads*, above.⁸ In *Meads*, Rooke J. of the Alberta Court of Queen's Bench discussed a category of vexatious litigants that he categorised as OPCA litigants. Subscribers to the "freeman-on-the land" movement are a prominent example of OPCA litigants. Rooke J. observed that this general category of litigants includes many variations under many different names. *Unifying features include the use of unusual terminology, a reliance on fictional or inapplicable sources of law, a theory that the litigant is not bound by the state's laws, and a tendency "to disrupt court operations and to attempt to frustrate the legal rights of governments, corporations, and individuals.*

...

... Rooke J. pointed out that *as officers of the court, lawyers have duties to the justice system as a whole. One such duty is to avoid facilitating or participating in OPCA schemes.*

.....

One of the most basic requirements for a lawyer is to understand which laws have force in Canada and to apply those laws. This entails applying the sources of law that are recognised and used by the Canadian legal system. The evidence demonstrates that the Lawyer has repeatedly based his clients' legal position on laws and tribunals that clearly have no force or effect in Canada.

[emphasis added]

[54] The Law Society refers to other Ontario cases on lawyers raising arguments akin to OCPAs. One is *Law Society of Upper Canada v. Hosein*,⁹ where the panel stated at para. 18:

The use of OPCA tactics impairs access to justice. It makes the legal process more expensive for those on the other side of a case. It disproportionately consumes limited court time and resources in our busy justice system. Ms.

⁸ *Meads v. Meads*, 2012 ABQB 571

⁹ 2014 ONLSTH 218

Hosein's use of language that resembles OPCA tactics is egregious. She brought serious discredit on the legal profession by doing so.

[emphasis added]

[55] The Law Society emphasizes that the Lawyer not only founded her legal proceeding on OCPA theories, but worse, attempted to set up the “naomi arbabi court”, an unauthorized vigilante process purporting to have legal effect. The Law Society references a number of legal decisions where Canadian courts have previously ruled that OPCA vigilante court processes are contempt of court.

[56] In summary the Law Society submits that protection of the public interest is paramount, and the Lawyer's actions pose a significant risk of harm to the public's confidence in the legal system and that the reputation of the legal profession as a whole is harmed. It notes the widespread publicity that has been attached to the Lawyer's civil claim and public outcry about that civil proceeding.

POSITION OF THE LAWYER

[57] The Lawyer provided evidence under oath along with her submissions.

[58] The Lawyer first sought to distinguish herself from OCPA litigants on the basis that those litigants all proceeded with dishonourable intentions to evade their responsibilities whereas she was acting as an honourable woman with no title. Any other ways of referring to her, including her “title” as a lawyer, was simply identification, although she said it was a privilege to her to be a lawyer.

[59] As to why she proceeded against the Layperson, her neighbour, and not the strata corporation, the Lawyer said the strata corporation was a legal fiction like Superman; a character in the “commercial legal courts” that her neighbour “hid behind” and she referenced instead a “law of the land” and natural knowledge coded in conscience, a law that is fluid, not statute; akin to aboriginal or indigenous laws and all based on consent. She said as the strata corporation has no conscience and cannot feel joy or pain, no one can stand behind it.

[60] She said her home was the most sacred place on earth to her and she would not be “reduced” to a strata owner. It was her “sanctuary”, much more than a strata lot, her “hive” and that the hive is more valuable to a bee than life itself.

[61] The ebb and flow of the Lawyer's submission had no discernable direction that the Board could follow. The Lawyer said that trying to explain it to us was like trying to explain a rainbow to a blind person.

[62] The Lawyer said she never discussed any of her views with her clients and that in her conveyancing practice she only ever explained the documents and got the clients to sign them.

[63] Finally, she said she was trying to sell her legal practice, and had been doing so for the past year, as her soul was “crying out to do other things”. It is her sole source of income and there is no other lawyer there who can run the practice. As she noted in the Podcast, publicity around the civil litigation claim and the court hearing has already harmed her business.

[64] The Lawyer concluded that she never meant any disrespect to the Layperson, but was trying to bring her to “honour” so that the Lawyer could “forgive” her.

ANALYSIS

[65] The Board has no hesitation in concluding that the extraordinary action of an interim suspension is warranted. In terms of the protection of the Lawyer’s clients, the risk to the public and to the administration of justice, the Lawyer cannot be allowed to continue to practise. The risks are too great.

[66] The Lawyer, who presented in the proceeding as earnest and honest, also presented as someone who at times had a shaky grasp on reality. Moreover, although she is legally trained and practiced in this profession, she seems to have lost, or at least discarded, any understanding of the process and content of the law and our legal system.

[67] While lawyers are afforded broad discretion to advance the causes of their clients, and if they choose to represent themselves, considerable deference for their arguments and the framing of a litigation proceeding, that discretion stops at the point where their actions lack good faith or may constitute an abuse of process.

[68] The Respondent has advanced a style and cause of litigation without a legal foundation, and has done so in an area of law that touches her practice of real estate and property law. A lawyer who practises in these areas, and yet rejects such basics as the workings of the *Strata Property Act* and of strata governance, and the nature of holding fee simple in a strata property under that *Act* and the *Land Title Act*, poses a potentially significant risk to her clients.

[69] For all the reasons articulated in the *Bogue* and *Hosein* decisions, there is also an overriding risk to the public and the administration of justice, and an inevitable damage to the reputation of the legal profession at large from the actions taken by the Lawyer.

[70] The Board considered whether any restrictions might obviate the clear risks, but none were suggested and there are none that the Board found to be practical in the circumstances.

ORDER MADE

[71] To summarize, this Board has ordered that the Lawyer is suspended forthwith from the practice of law until:

- (a) the final disposition of any proceedings arising from the Law Society's investigation into the Lawyer's conduct in Law Society file no. CO20231205, including a citation hearing if one is authorized, or resolution by consent agreement; or
- (b) a rescission or variation of this order is made under Rule 3-12(12) of the Rules.