

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

WILLIAM HARVEY HARRIS

Applicant

- and -

CHRISTOPHER BUCHANAN and
GLEN RUTLAND, as the Chair of the Discipline Committee
of the Law Society of the Northwest Territories

Respondents

Application to strike a person as a party pursuant to *Rule 597*

Heard at Yellowknife: April 14, 2023

Written Reasons filed: May 5, 2023

REASONS FOR JUDGMENT OF THE
HONOURABLE CHIEF JUSTICE S.H. SMALLWOOD

Counsel for the Applicant: Self-Represented

Counsel for the Respondent,
Christopher Buchanan: Jonathan Rossall

Counsel for the Respondent,
Glen Rutland (Law Society): Craig Boyer

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

WILLIAM HARVEY HARRIS

Applicant

- and -

CHRISTOPHER BUCHANAN and
GLEN RUTLAND, as the Chair of the Discipline Committee
of the Law Society of the Northwest Territories

Respondents

REASONS FOR JUDGMENT

[1] The Applicant William Harvey Harris filed an Originating Notice for Judicial Review on January 20, 2023 naming Christopher Buchanan and Glen Rutland as the Respondents. Mr. Harris seeks judicial review of a decision by Glen Rutland, Chair of the Discipline Committee of the Law Society of the Northwest Territories (Law Society) dismissing Mr. Harris' complaint regarding the conduct of Christopher Buchanan, a member of the Law Society.

[2] Mr. Harris is the Plaintiff in a wrongful dismissal claim against the Town of Hay River in the Supreme Court of the Northwest Territories, File No. S-1-CV-2017-000363. Mr. Buchanan is counsel for the Town of Hay River.

[3] Mr. Harris was represented by counsel until May 7, 2021. He is now self-represented on that matter and in this judicial review proceeding.

[4] On April 9, 2022, Mr. Harris wrote to the Law Society to complain about the conduct of Mr. Buchanan in the wrongful dismissal matter. The substance of Mr. Harris' complaint was that he claimed his computer had been hacked and files deleted. He felt that Mr. Buchanan was responsible for hacking his computer and was wrongfully in possession of his deleted files.

[5] On May 5, 2022, Glen Rutland, as the Chair of the Discipline Committee, wrote to Mr. Harris advising that he was dismissing the complaint against Mr. Buchanan pursuant to s. 24(2) of the *Legal Profession Act*, R.S.N.W.T. 1988, c. L-2.

[6] Mr. Rutland advised Mr. Harris that the alleged conduct, even if proven, would not constitute unprofessional conduct. Mr. Rutland then reviewed the correspondence provided by Mr. Harris which included the emails between Mr. Harris and Mr. Buchanan. He noted that Mr. Buchanan had provided an explanation for why he was in possession of the emails and that Mr. Buchanan's explanation was reasonable and logical. The details with respect to the emails are not relevant to this application.

[7] Mr. Harris continued to correspond with the Law Society regarding his complaint for several months before filing his Originating Notice commencing the judicial review application.

[8] The Respondent Christopher Buchanan now seeks an order that he be struck as a party to this proceeding, pursuant to *Rule 597* of the *Rules of the Supreme Court of the Northwest Territories*, NWT Reg. 010-96. *Rule 597* permits the Court to add or strike any person as a party to an application for judicial review or appeal.

[9] In commencing an application for judicial review, an applicant is required to name as a respondent each person directly affected by the relief sought in the application and those who are required to be named as a party under statute: *Rule 595*.

[10] Mr. Buchanan is not a person who is required to be named as a party under statute.

[11] In his Originating Notice, Mr. Harris seeks relief including copies of emails received by Mr. Buchanan, the disbarment of Mr. Buchanan and the amendment of the *Legal Profession Act*. Viewed in the context of the requested relief, Mr. Buchanan could be a person directly affected by the relief sought.

[12] Even if a person is properly named as a respondent, as noted in *Douglas v Canada*, 2013 FC 451 at para. 47:

Persons named as respondents have the right to participate fully, as parties, in an application, but they do not have the obligation to do so. They may decline to participate at all or choose to address only certain issues in the proceedings. Nor is their participation restricted to opposing the application: they may support or consent to any or all parts of it.

[13] Leaving aside the issue of whether any of the requested relief is actually attainable within the context of a judicial review proceeding, the decision in issue is ultimately that of the Law Society which as the self-regulating professional body has the authority to set and maintain professional standards of practice in the legal profession. Judicial review involves the review of decisions by statutory decision-makers like the Law Society:

Judicial review is the means by which the courts supervise those who exercise statutory powers, to ensure that they do not overstep their legal authority. The function of judicial review is therefore to ensure the legality, the reasonableness and the fairness of the administrative process and its outcomes.

Dunsmuir v New Brunswick, 2008 SCC 9 at para. 28

[14] Mr. Buchanan is the subject matter of the decision in issue and it is not his actions which are being reviewed in the judicial review application. The decision which is the subject of judicial review is that of Mr. Rutland acting as the Chair of the Discipline Committee of the Law Society of the Northwest Territories.

[15] While Mr. Buchanan, is the subject of the complaint made by Mr. Harris, he was not involved in making the decision. The Record as filed by the Law Society indicates that Mr. Buchanan was not involved in the investigation of the complaint or the decision to dismiss the complaint. Mr. Buchanan deposes in his affidavit on this application that he was not aware of the complaint made by Mr. Harris until October 21, 2022, after the complaint had already been dismissed.

[16] Mr. Harris says that Mr. Buchanan should remain a party because he committed a crime and the Law Society through Mr. Rutland is aiding and abetting him by covering it up. There is no evidence of this. Nothing in the record credibly suggests this.

[17] Furthermore, there is nothing to suggest that Mr. Buchanan's continued participation as a party to this proceeding would assist the Court in a judicial review of Mr. Rutland's decision. The position of the Law Society and/or Mr. Rutland has been and I expect will continue to be properly represented in this proceeding.

[18] For these reasons, I conclude that Christopher Buchanan should be struck as a party to this proceeding.

[19] Pursuant to *Rule 606.1*, Mr. Buchanan will have his taxed costs of this application under Column 3 of Schedule A of the *Rules of the Supreme Court of the Northwest Territories*.

Dated at Yellowknife, NT, this
5th day of May, 2023

S.H. Smallwood
J.S.C.

Counsel for the Applicant: Self-Represented

Counsel for the Respondent,
Christopher Buchanan: Jonathan Rossall

Counsel for the Respondent,
Glen Rutland (Law Society): Craig Boyer

**IN THE SUPREME COURT OF THE
NORTHWEST TERRITORIES**

BETWEEN:

WILLIAM HARVEY HARRIS

Applicant

- and -

CHRISTOPHER BUCHANAN and
GLEN RUTLAND, as the Chair of the Discipline Committee
of the Law Society of the Northwest Territories

Respondents

REASONS FOR DECISION OF THE
HONOURABLE CHIEF JUSTICE S.H. SMALLWOOD
