

UNDERTAKINGS OF PAUL VICTOR WALSH, Q.C
TO THE LAW SOCIETY OF MANITOBA
AND ACKNOWLEDGMENTS OF PAUL VICTOR WALSH, Q.C

1 Circumstances

- 1.1 I, Paul Victor Walsh, Q.C., am a member of The Law Society of Manitoba (“the Society”). I was a practising member of the Society from June 26, 1968 until June 30, 2014.
- 1.2 On June 30, 2014 I submitted to the Society my application to withdraw from practice. In that application I gave the following Undertaking:
....that I will not practise law in Manitoba once I become a non-practising or inactive member except as a visiting lawyer pursuant to the provisions of the National Mobility Agreement (the “2014 Undertaking”).
- 1.3 I became a non-practising member of the Society on June 30, 2014 and became an inactive member on April 1, 2015. I remain an inactive member of the Society.
- 1.4 On June 29, 2016 the Society issued a Citation charging me with professional misconduct arising from my activities in relation to an arbitration proceeding involving 5688427 Manitoba Ltd. (“the Citation”).
- 1.5 I have given the Society notice that I intend to contest the charges set out in the Citation.

2 Undertakings and Acknowledgements

- 2.1 I undertake that so long as I am not either:
- a. A practising member of the Society; or

- b. A visiting lawyer in Manitoba pursuant to the provisions of the National Mobility Agreement as defined in the *Rules of The Law Society of Manitoba* or under any other or replacement Agreement, Rule or enactment allowing visiting lawyers from other jurisdictions to engage in the practise of law in Manitoba;

I will not engage in any activity, whether or not in the expectation of a fee or other consideration, that would constitute practise of law (the "2016 Undertaking").

2.2 I acknowledge that activities that constitute or would constitute the practise of law to which the 2014 Undertaking and the 2016 Undertaking apply include, but are not limited to:

- a. Acting for a person other than myself or a corporation wholly owned by me in any arbitration or administrative proceeding. This includes, but is not limited to, conducting any such proceeding on behalf of any person other than myself, advising upon matters at issue in any such proceeding (other than matters of fact not involving a legal opinion), advising as to negotiations, appearing before or addressing the decision maker in any capacity other than as a witness, drafting documents for use in or in connection with the proceeding;
- b. Providing advice as to strategy in any matter in which there is a dispute that would, if not resolved, require adjudication before any court, tribunal or administrative body;
- c. Providing advice as to the law in any case or matter;
- d. Providing advice as to the procedure before any court, tribunal or administrative body in any case or matter.

2.3 I acknowledge that the 2014 Undertaking and the 2016 Undertaking apply to any single or isolated activity that would constitute the practise of law notwithstanding that apart from this acknowledgement an activity may be required to be carried out

frequently, customarily or habitually in order constitute engaging in the practise of law.

- 2.4 I undertake that so long as I may not engage in the practise of law or activities that would constitute the practise of law under the 2014 Undertaking and the 2016 Undertaking I will not to use the name "Walsh and Company" to identify myself, any activity that I conduct or any place where I conduct any business activity. I acknowledge that use of any name other than my own to identify myself or my law practice should I be permitted to practise law in Manitoba will be governed by the *Rules of The Law Society of Manitoba* and the *Code of Professional Conduct* or such other enactments that may from time to time apply.
- 2.5 I undertake that long as I may not use the name "Walsh and Company" pursuant to paragraph 2.4 above, I will not use the domain name "walshandco.com" or any domain name with similar wording, in any way except as provided below as to email addresses using "@walshandco.com."
- 2.6 I undertake that no later than December 31, 2016, unless I am otherwise permitted to use the name "Walsh and Company" under paragraph 2.4, I will:
- a. cease to use, for any purpose, email addresses ending in "@walshandco.com" ("andco addresses") to send emails or to have emails sent on my behalf;
 - b. remove reference to andco addresses from all correspondence and communications sent by me or on my behalf;
 - c. Use or caused to be used only email addresses not using "walshandco.com" or similar wording;
 - d. when email messages are received at any of the andco email addresses will not respond from or permit any response to be made from any of the andco email addresses.

2.7 I undertake that so long as I may not engage in the practise of law or activities that would constitute the practise of law under the 2014 Undertaking and the 2016 Undertaking I will not to use the terms "barrister", "solicitor", "attorney-at-law" or "lawyer", or any of them, to identify myself in connection with any business or advisory activity.

3. Understandings


3.1 The above Undertakings and Acknowledgements are given on the understanding that the Society will forthwith, and in any event prior to September 6, 2016, enter a stay of proceedings on the Citation.

3.2 The 2014 Undertaking and the Undertakings contained in this document remain in force unless and until released in writing by the Society.

September 2, 2016



Witness



Paul Victor Walsh, Q.C.

Name of Witness: Chantale Jordan