

**IN THE MATTER OF *THE LEGAL PROFESSION ACT, 1990*
AND IN THE MATTER OF WILLIAM ZION BROWN, A LAWYER
OF LA RONGE, SASKATCHEWAN**

REPORT OF THE HEARING COMMITTEE

Hearing Committee: John Will, Chair

Investigation Committee Counsel: Alan G. McIntyre

Member's Counsel: Garrett Wilson, Q.C.

Member: William Z. Brown

1. The Hearing Committee convened on September 23, 2008 at Humboldt, Saskatchewan via telephone conference call. Alan G. McIntyre represented the Law Society of Saskatchewan Investigation Committee. The member, William Z. Brown, was present, and was represented by Garrett Wilson, Q.C.
2. Counsel for the parties acknowledged and agreed to the constitution and jurisdiction of the Hearing Committee and agreed to proceeding by way of telephone conference. Counsel for the Investigation Committee tendered the Formal Complaint, dated March 29, 2007, the Notice of Hearing, and an Amended Formal Complaint, together with proof of service. With the consent of Mr. Wilson, the Amended Formal Complaint and Notice of Hearing were made exhibits P-1 and P-2 respectively.
3. The Formal Complaint alleges as follows:

THAT William Zion Brown, of the Town of La Ronge, in the Province of Saskatchewan:

1. Is guilty of conduct unbecoming a lawyer in that he did breach his undertaking to his clients that he would only disburse mortgage funds held by him upon the satisfaction of certain conditions, which conditions were not satisfied in respect of the following matters:
 - (a) M.;
 - (b) F.;
 - (c) VdV;
 - (d) P;
 - (e) G;
 - (f) G & H;
 - (g) Y;
 - (h) H;
 - (i) A/L;
 - (j) T & S.

2. Is guilty of conduct unbecoming a lawyer in that he failed to provide an adequate level of service to his clients by failing to provide a final solicitor's report as required in respect of the following matters:
 - (a) M;
 - (b) VdV;
 - (c) M;
 - (d) P;
 - (e) G & I;
 - (f) G & H;
 - (g) H.

 3. Is guilty of conduct unbecoming a lawyer in that he failed to provide an adequate level of service to his clients by failing to ensure that the property which they were purchasing and/or financing was not subject to encroachments in respect of the following matters:
 - (a) VdV.

 4. Is guilty of conduct unbecoming a lawyer in that he transferred money from trust to himself for fees and disbursements before such money was earned in respect of the following matters:
 - (a) M;
 - (b) N & C;
 - (c) VdV;
 - (d) G & I;
 - (e) H.

 5. Is guilty of conduct unbecoming a lawyer in that he misled his clients by advising that there were no encroachments on a particular property when there were in fact encroachments in respect of the following matters:
 - (a) P;
 - (b) T.

 6. Is guilty of conduct unbecoming a lawyer in that he breached an undertaking made by letter dated October 9, 2001 to I.G. that he would provide a report within 60 days by not providing said report of title to I.G.M.C. within sixty days.
4. By agreement of the parties, the hearing proceeded on the basis of the Amended Formal Complaint, which alleges as follows:

THAT William Zion Brown, of the Town of La Ronge, in the Province of Saskatchewan:

1. Is guilty of conduct unbecoming a lawyer in that he did breach his undertaking to his clients that he would only disburse mortgage funds held by him upon the satisfaction of certain conditions, which conditions were not satisfied in respect of the following matters:
 - (a) M.;
 - (b) P.

2. Is guilty of conduct unbecoming a lawyer in that he failed to provide an adequate level of service to his clients by failing to provide a final solicitor's report as required in respect of the following matters:
 - (b)VdV;
 - (c) H.

5. Is guilty of conduct unbecoming a lawyer in that he mislead his clients by advising that there were no encroachments on a particular property when there were in fact encroachments in respect of the following matters:
 - (b)T.

6. Is guilty of conduct unbecoming a lawyer in that he breached an undertaking made by letter dated October 9, 2001 to I.G. that he would provide a report within 60 days by not providing said report of title to I.G.M.C. within 60 days.

5. A plea of guilty was entered to each of the allegations of the Amended Formal Complaint.

6. All of the allegations relate to real estate matters, and the parties represented that the allegations are self-explanatory. The Hearing Committee accepts that the allegations are well founded and pursuant to section 51 of *The Legal Profession Act, 1990*, finds the member, William Zion Brown, is guilty of conduct unbecoming a lawyer.

7. No evidence was introduced in respect of the remaining allegations in the original Complaint, and those allegations are dismissed.

8. By consent of the parties, the Hearing Committee declines to make a sentencing recommendation, and the matter is referred to the Benchers of the Law Society of Saskatchewan at their Convocation to be held December 5, 2008, or such other time as may be determined, for sentencing.

DATED at Humboldt, Saskatchewan this ____ day of September, 2008.

John Will, Chair

