

**IN THE MATTER OF THE LEGAL PROFESSION ACT, 1990
AND IN THE MATTER OF STERLING MCLEAN
A LAWYER FROM REGINA, SASKATCHEWAN**

REPORT OF THE HEARING COMMITTEE

Hearing Committee: George W. Patterson

Counsel for the Law Society of Saskatchewan: Timothy F. Huber

Sterling McLean Appearing on his own behalf

1. The Hearing Committee convened on Tuesday, April 28, 2009 by telephone conference. The Law Society was represented by Mr. Tim Huber. Mr. Sterling McLean represented himself.
2. At the outset of the hearing counsel for the parties acknowledged that the Hearing Committee was properly constituted and had jurisdiction to deal with the matter before it. Neither party had any preliminary objections to the hearing proceeding and there were no preliminary issues to be addressed.
3. Counsel for the Law Society tendered the Amended Formal Complaint dated March 26, 2009 and Notice of Hearing, which were agreed to be marked as Exhibits P-1 and P-2 respectively. Mr. McLean acknowledged that the Notice of Hearing had been properly served.
4. The Amended Formal Complaint alleges as follows:

THAT Sterling McLean, of the City of Regina, in the Province of Saskatchewan:

1. Is guilty of conduct unbecoming a lawyer in that he did fail to comply with a trust condition imposed by letter dated June 19, 2007, which he accepted, upon the use of documents in connection with a transfer of land from DDC to his client BN;

Reference Chapters XVI of the Code of Professional Conduct.

2. Is guilty of conduct unbecoming a lawyer in that, during the course of his representation of a vendor in a real estate transaction, he did breach an undertaking provided to W.J., a fellow member, wherein he undertook that he would not release purchase funds provided to him in trust without first having

secured a discharge in relation to a Federal Writ on the title to the property being sold;

Reference Chapters XVI of the *Code of Professional Conduct*.

3. Is guilty of conduct unbecoming a lawyer in that he failed to act in a conscientious, diligent and efficient manner on behalf of the Estate of D.D. in that he failed to complete estate business in a timely fashion;

Reference Chapters II of the *Code of Professional Conduct*.

4. Is guilty of conduct unbecoming a lawyer, in that he did attempt to mislead a member of the public K.D., by misrepresenting the status of an estate matter;


Reference Chapter I of the *Code of Professional Conduct*.

5. Is guilty of conduct unbecoming a layer in that he failed to serve his client, J.L., in a conscientious, diligent and efficient manner in the course of a real estate transaction.

Reference Chapters II of the *Code of Professional Conduct*.

5. Mr. Sterling McLean entered guilty pleas on his own behalf to counts 1, 2, 3, 4 and 5 of the Amended Formal Complaint.
6. The parties introduced an Agreed Statement of Facts [Exhibit P-3], signed by Mr. Sterling McLean and counsel for the Law Society, dated March 26, 2009.
7. No evidence was introduced in relation to the matter of sentencing and, with the agreement of the parties, the Hearing Committee refers the sentencing of Mr. McLean to the Discipline Committee of the Law Society, composed of Benchers of the Law Society of Saskatchewan, at the next Convocation of Benchers, or such other time as may be mutually agreed.

DATED at Regina, Saskatchewan this 27 day of May, 2009.



George W. Patterson