

IN THE MATTER OF *THE LEGAL PROFESSION ACT*, 1990
AND IN THE MATTER OF JONATHAN GOBY,
A LAWYER OF ESTEVAN, SASKATCHEWAN

REPORT OF THE HEARING COMMITTEE

Hearing Committee: Victor Dietz, Q.C., Chair
Nicholas Cann
Dr. Greg Stevens

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

Jonathan Goby for himself.


1. The Hearing Committee convened on November 24, 2010, by telephone conference. The Law Society was represented by Mr. Tim Huber. Mr. Goby represented himself.
2. 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.
3. The original Notice of Hearing with proof of service and Amended Notice of Hearing dated October 21, 2010, were filed. The latter with the consent of Mr. Goby. As well, a Statement of Facts and Admissions were filed with Mr. Goby's consent. Notices of Hearing marked P1 and Statement of Facts and Admissions including Tab 4 and Tab 5 and Appendix D of Joint Exhibit Book were marked Exhibit P2.
4. The amended formal complaint alleges the following:

THAT JONATHAN GOBY, of the City of Estevan, in the Province of Saskatchewan, is guilty of conduct unbecoming in that:

1. He did prepare, or cause to be prepared, and did commission false Affidavits of Value in relation to certain real estate transactions handled by his law office;
2. Did mislead Information Services Corporation of Saskatchewan (ISC) by submitting Affidavits of Value which did not reflect the actual value of titles being transferred in relation to certain real estate transactions handled by his law office and in doing so did deprive ISC of fees to which it was entitled;
3. Did, by submitting Affidavits of Value to ISC reflecting values less than the actual value of titles, reduce the amount of fees paid to ISC and thereby obtained an unfair competitive advantage in the marketplace; and
4. Did withdraw funds from his trust account prior to those funds becoming properly payable to him in respect of a liability of his clients for fees, disbursements or other expenses.

5. Mr. Goby waived reading of the counts and entered guilty pleas to all counts.
6. By agreement of the parties, the Hearing Committee refers the sentencing of Mr. Goby to the Discipline Committee of the Law Society composed of Benchers of the Law Society of Saskatchewan at such time and date as mutually agreed upon.
7. Pursuant to Section 54(1) of *The Legal Profession Act*, 1990, this matter is being reported to the Chair of Discipline.

DATED at Regina, Saskatchewan, this 18th day of January, 2011.



Victor Dietz, Q.C., Chair