



CANADA)
PROVINCE OF SASKATCHEWAN)
TO WIT)

IN THE MATTER OF *THE LEGAL PROFESSION ACT, 1990*
AND IN THE MATTER JAMES SCHARFSTEIN, Q.C.,
A LAWYER OF SASKATOON, SASKATCHEWAN

Formal Complaint

I, DONNA SIGMETH, Q.C., of the City of Regina, in the Province of Saskatchewan, Complaints Counsel for the Law Society of Saskatchewan, do hereby certify that Brenda Hildebrandt, Q.C., Chair of the Discipline Committee of the Benchers of the Law Society of Saskatchewan, has appointed a Hearing Committee pursuant to Section 47(1) of *The Legal Profession Act, 1990*, comprised of Perry Erhardt, Q.C., as Chair along with Heather Hodgson and Murray Walter to hear and determine a Formal Complaint set out by the Conduct Investigation Committee consisting of Leslie Belloc-Pinder and John McIntosh, Q.C., pursuant to Section 46(1) of *The Legal Profession Act, 1990*, against James Scharfstein, Q.C., a lawyer and a member of the Law Society of Saskatchewan, carrying on the practice of law at all of the relevant times in the City of Saskatoon, in the Province of Saskatchewan, as follows:

THAT James Scharfstein, Q.C., of the City of Saskatoon, in the Province of Saskatchewan is guilty of conduct unbecoming a lawyer in that he:

1. did, as a dupe of his unscrupulous client, R.S., assist in the commission of a fraud, or frauds, by R.S.;
2. did, through willful blindness or recklessness or under circumstances amounting to gross negligence, assist in the commission of a fraud, or frauds, by his client R.S.;
3. did knowingly assist in the commission of a fraud, or frauds, by his client R.S.;
4. did act or continue to act in a matter when there was, or was likely to be, a conflicting interest between his client, R.S., and his client or former client, A.S. who he had represented on related matters;

5. did act or continue to act in a matter when there was, or was likely to be, a conflicting interest between:
 - a. his client, R.S., and his client Corporation "A";
 - b. his client Corporation "A" and his client Corporation "B";
6. did breach the fiduciary duty he owed to his former client A.S.;
7. did breach the fiduciary duty he owed to his client Corporation "A";
8. did prefer the interests of his client R.S. over those of his former client A.S.;
9. did prefer the interests of his client R.S. over the interests of his client Corporation "A";
10. did breach the duty of loyalty he owed to his former client A.S.; and
11. did breach the duty of candour that he owed to his client A.S. relating to the dealings of R.S. in connection with Corporation "A".

DATED at the City of Regina, in the Province of Saskatchewan, this 4th day of July, 2017.

DONNA R. SIGMETH, Q.C.
Complaints Counsel
for the Law Society of Saskatchewan