



Law Society  
of Saskatchewan

**The Law Society of Saskatchewan  
*Law Society of Saskatchewan v. Halford, 2019 SKLSS 6***

**IN THE MATTER OF *THE LEGAL PROFESSION ACT, 1990*  
AND A REQUEST FOR MEMBER'S APPLICATION TO RESIGN INSTEAD  
OF CONTINUED PROCEEDINGS BY JAMES NIEL HALFORD**

**REASONS FOR THE DECISION OF THE CONDUCT INVESTIGATION COMMITTEE FOR  
THE LAW SOCIETY OF SASKATCHEWAN**

1. James Niel Halford ("the Member") is currently subject to a complaint initiated by the Law Society on April 26, 2019.
2. The Member has offered resignation as a member of the Law Society of Saskatchewan, pursuant to Rule 400.1 of the Rules of the Law Society of Saskatchewan, instead of continued proceedings.
3. The Conduct Investigation Committee, having reviewed the Member's Application and Agreed Statement of Facts and Admissions, copies of which are attached to this decision, accepts the Member's Application to Resign Instead of Continued Proceedings.

DATED this 19<sup>st</sup> day of June, 2019.

**AGREED STATEMENT OF FACTS AND ADMISSIONS BETWEEN  
JAMES NIEL HALFORD AND THE LAW SOCIETY OF SASKATCHEWAN**

**JURISDICTION**

4. JAMES NIEL HALFORD (hereinafter "the Member") is, and was at all times material to this proceeding, a practicing Member of the Law Society of Saskatchewan (hereinafter the "Law Society"), and accordingly is subject to the provisions of *The Legal Profession Act, 1990* (hereinafter the "Act") as well as the *Rules of the Law Society of Saskatchewan* (the "Rules").
5. The Member is currently the subject of an ongoing investigation initiated by the Law Society on March 8, 2019.
6. Pursuant to Law Society of Saskatchewan Rule 400.1, the Member wishes to resign his membership in the Law Society of Saskatchewan as an alternative to continued proceedings in relation to the pending investigation. This Agreed Statement of Fact is advanced for the purposes of allowing the Member's resignation "instead of continued proceedings", pursuant to Rule 400.1(2)(b).

**PARTICULARS OF CONDUCT**

7. This matter relates to the Member instructing assistants in his office to sign his signature to trust cheques. During the Member's year-end review, copies of all trust cheques were requested, and reviewed. When reviewing the Member's signature provided with the TA-3 form, and the trust cheques provided, a discrepancy was noted. The Member's sample signature on the TA-3 Form did not match the Member's signatures on the cheques. It appeared as though whoever wrote out the cheque was also the individual who signed the Member's signature to the cheque.

8. A memo regarding this issue was provided by the Law Society Audit Department to Professional Responsibility Counsel. This memo was forwarded to the Member on April 26, 2019 asking for his response to the discrepancy in relation to the signatures. Examples of the different signatures were provided to the Member.

9. By way of letter dated May 2, 2019, the Member indicated that his "handwriting has deteriorated and has become inconsistent at best". He acknowledged that there were discrepancies in his signature and advised that he had retired. At that point, however, no application to retire had been received by the Law Society.

10. On May 23, 2019, Professional Responsibility Counsel spoke with an assistant at the Member's office. During that conversation, that assistant informed Professional Responsibility Counsel that she has signed cheques for the Member when he has permitted her to or on his instructions to sign cheques.

11. On May 24, 2019, the Member acknowledged that he had asked his assistants to sign his trust cheques for him. The Member was not candid in his May 2, 2019 correspondence in that he failed to admit that he was aware that the signatures in question were not his own. Professional Responsibility confronted the Member about his initial response from May 2, 2019.

12. On May 28, 2019, Professional Responsibility Counsel received a phone call from the Member wherein he admitted that his staff began signing his signature to trust cheques during a time when he was out of the office at court and had several real estate transactions closing. The Member said that instead of signing blank cheques to leave at his office, he thought it would be better to have his staff sign his signature on the cheques. The Member's conduct was driven by increased convenience for himself and his clients.

13. There is no indication that any money was ever misappropriated by the Member or his assistants, or that any harm came to any clients as a result of the Member's actions.

14. Members are required to manage their trust accounts in a manner that is transparent, accurate and traceable. The Member's conduct in allowing other people to sign his name on trust cheques corrupts the Member's books and records in that they are not an accurate reflection of who signed the cheque. Members are required, pursuant to Law Society Rule 942(f) to ensure that at least one signatory to a trust cheque is a member of the Law Society. Having a non-lawyer sign the name of a lawyer does not meet the requirements of this rule.

15. The Member has completed an Application to Resign Instead of Continued Proceedings. Counsel for the Law Society consents to that Application on the understanding that the Member

will comply with the requirements of the rules governing this process. He is no longer actively practicing law.

**PRIOR HISTORY**

16. The Member has one prior finding of conduct unbecoming from 2014 wherein he was found to have acted in business transaction when his interests and the interest of his clients were in conflict, without independent legal advice and in a manner that made it difficult for the client to ascertain his role. The Member received a reprimand, a \$500.00 fine and was required to pay costs to the Law Society.