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PROVINCE OF SASKATCHEWAN)
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**IN THE MATTER OF *THE LEGAL PROFESSION ACT, 1990*
AND IN THE MATTER OF DEAN MATTISON,
OF SASKATOON, SASKATCHEWAN**

**DECISION OF THE LAW SOCIETY OF SASKATCHEWAN
ON THE REINSTATEMENT OF DEAN MATTISON**

**Committee Members Present: Ron Kruzeniski, Q.C., Greg Walen and
Evert Van Olst**

1. The Admissions & Education Committee (“Committee”) has been requested by Dean Mattison to consider the reinstatement of Dean Mattison as an Active Member of the Law Society of Saskatchewan (“Law Society”). The Committee considering this matter included Ron Kruzeniski, Greg Whalen and Evert Van Olst.
2. Mr. Mattison’s status is currently inactive/disqualified. Pursuant to Rule 213, the Committee has the ability to make a decision based upon a review of the record. In this case, the record is in the submission of Mr. Tim Huber on behalf of the Law Society and Mr. Dean Mattison on his own behalf, plus the responses to a series of questions posed by the Committee.

RELEVANT AUTHORITIES

Rules of the Law Society of Saskatchewan (hereinafter the “Rules”)

3. The relevant provision of the *Rules* when considering the reinstatement of an inactive or disqualified member is Rule 212 and 213 which states the following:

212...

(3) Where an applicant under subrule (1) has not been engaged in the full-time active practice of law in the Province during the 5 years immediately preceding the application, a condition of reinstatement may be imposed requiring the applicant to comply with any terms and conditions imposed.

213. (1) The Executive Director may approve an applicant for reinstatement or refer the matter to the Committee.

(2) The Committee may, in its discretion, make a decision on a review of the record or conduct a Hearing pursuant to Rule 230.

(3) In considering an application under Rule 212, the Executive Director or the Committee may:

(a) make any enquiry and investigation considered necessary;

(b) consider whether granting the application would be inimical to the best interests of the public and members or could harm the standing of the legal profession generally.

4. The above noted provisions confer a great deal of discretion upon the Committee in relation to procedure. The Committee may review the materials and submissions placed before it in written form and make a decision. If it is determined that further investigation is required, the Committee can make further inquiries. If the Committee is unable to make a decision based upon a review of the written materials, a hearing may be ordered.
5. The wide discretionary powers of the Committee extend beyond the procedural aspect. Sub-rule 213(3)(b) allows for the Committee to consider whether granting the application would be inimical to the best interests of the public and members or could harm the standing of the legal profession generally. This represents a very wide discretion to consider the history of the member as well as his current circumstances.

POSITION OF THE LAW SOCIETY

6. The Executive Director of the Law Society elected to take no position in relation to Mr. Mattison's application for reinstatement and referred the matter to this Committee.

7. The Committee first considered holding a hearing on this matter, but after receiving the consent of Mr. Huber and Mr. Mattison, the Committee considered the matter by way of written submissions. Both Mr. Huber and Mr. Mattison filed a submission.
8. The Committee also inquired as to whether Mr. Huber or Mr. Mattison had any objection to the composition of the Committee and both indicated that they did not.
9. The Committee met to consider the written submissions and in its deliberations decided to ask Mr. Mattison to provide some additional information. Mr. Mattison provided that additional information
10. The Committee considered a number of issues, which are set out below.

COMPLAINT HISTORY

11. There was a concern about previous disciplinary actions. Mr. Mattison responded as follows:

“While practicing with Woloshyn Mattison, a complaint arose regarding Saskatchewan Trust Company. As most people are aware, the essence of the complaint was that I had received instructions from Mr. Ken Dickhoff, then Chief Executive Officer, President, Director and Shareholder of Saskatchewan Trust Company to do certain mortgage transactions. These mortgage transactions turned out later to be tainted by Mr. Dickhoff’s failure to disclose his personal interest in certain transactions to his Board of Directors. I was properly charged by the Law Society for being the dupe to an unscrupulous client. I pled guilty to this charge of unprofessional conduct and received a three (3) month suspension. The Digest of Discipline Decision and Order are attached hereto at **Tab 1**.

As a consequence of the Saskatchewan Trust Company matter, certain insurance claims were paid out on my behalf. The damages incurred in relation to these claims amounted to **\$573,350.00**. The defense costs incurred totaled **\$93,577.00**. I believe Law Society records will verify that I cooperated throughout this process. The deductible was paid, I served my suspension and subsequently, returned to work at Woloshyn Mattison.

I have five other unrelated insurance claims in my history that amount to \$22,500.00 in damages incurred (from one claim) and defence costs of \$42,381.00.

In March of 2005, subsequent to my departure from Merchant Law Group, an investigation was commenced into certain complaints against me while at Merchant Law Group. As a consequence of this investigation and since I had no intentions, at the time, of immediately returning to the practice of law, I signed an Undertaking (Attached at **Tab 2**) not to practice law until these matters were addressed.

In September of 2005, there was a formal complaint filed against me regarding certain transactions which were not completed prior to my departure from Merchant Law Group. I subsequently plead guilty to three (3) counts of unprofessional conduct, one regarding the failure to promptly reply to communications from the Law Society of Saskatchewan, one regarding the failure to honour a trust condition (this was subsequently satisfied) and the third one regarding failure to provide an acceptable level of service to clients (the agreed statement of facts was somewhat flawed in this regard but covered the essence of the complaint). I received a fine of \$2,000.00 for such matters and an order to pay costs of \$1,959.72. I have attended to both of these matters. The Discipline Decision and Order are attached hereto at **Tab 3**.

As a condition of my sentencing, I was ordered to practice law with a member acceptable to the Chair of the Discipline Committee and to not have signing authority with respect to any trust accounts.

I believe that Mr. Rod Gall, who I wish to practice law with, has now been approved by the Chair of the Discipline Committee. It is my understanding that other conditions have been imposed upon Mr. Gall regarding my involvement with the trust account of the Gall Law Office as well as with respect to trust monies. I understand that Mr. Gall has given suitable undertakings in this regard.

Finally, I would add that there have not been any new insurance claims paid out regarding the more recent matters, notwithstanding certain information to the contrary."

12. The Committee considered this past discipline history and decided that each matter had been dealt with at the time and proper sentences had been determined. Mr. Mattison has met the requirements to pay. Thus, this past history should not be a bar to his re-admission. Also, Mr. Rod Gall had been approved by the Chair of the Discipline Committee as an appropriate supervisor.

Long Gun Charges

13. The Committee considered this matter and relied on the statements of Mr. Mattison in his submission at page 3 as follows:

"It has been raised as an issue that in May of 2006 I was charged and found guilty of the careless storage of a rifle and a shotgun. These particular long guns belonged to my father and were given to my son, Josh Mattison, prior to my father's passing. Unfortunately, my son's girlfriend became anxious about these long guns and as a consequence, one night my son dropped them off at my condominium. A short time later, prior to me taking the appropriate precautionary measures, I was charged with the careless storage of these two guns. I could have cast the burden of this charge to my son but rather accepted the charge based on the fact that I would be receiving a conditional discharge. I satisfied the conditions of the discharge and, in my opinion, and in that of the legal counsel I have sought, I do not have a criminal record. This situation was monitored by representatives of the Law Society of Saskatchewan and it has only recently assumed some degree of controversy. In any event, the status of this charge has been well known to members of the Law Society for some period of time."

14. The Committee viewed the drug addictions as a serious matter but was a matter that had not been the cause for discipline in the past. It was Mr. Mattison's candor in his submission that made it a matter for consideration by the Committee. The indication that the drug dependency has been resolved was support for the Committee not to consider it a bar to re-admission.

Recent Complaints

15. Some recent complaints have been filed concerning Mr. Mattison. He addressed these as follows:

"On April 7, 2009, I received a letter from Ms. Donna Sigmeth indicating that there was a Law Society of Saskatchewan complaint from an unnamed complainant ...This complaint stemmed from the fact that I had been named as "Buyer's Lawyer" in a Conveyancer's Instruction Report dated March 31, 2009 ... despite the fact that I was not yet entitled to practice. On April 3, 2009, Mr. Gall had received a letter...regarding this complaint, setting forth a much more detailed account of this complaint. I responded to Ms. Sigmeth's letter on April 17, 2009...Ms. Sigmeth spoke with the realtor involved and had her sign a Memo in relation to the conversation...I received this Memo on June 16, 2009 and have requested an opportunity to respond further to this confirmed telephone conversation.

The matter is before the Vice-Chair of Discipline for review and direction. I am prepared to deal with this matter if it results in any further action being taken."

16. The Committee was concerned about any additional complaints but upon consideration, it felt that the complaint process had just started and all the facts had not yet been gathered. The Committee felt this complaint should be left to the normal discipline process and if there was inappropriate action, it should be dealt with in the discipline and sentencing process.
17. As a result, the Committee is prepared to have Mr. Dean Mattison re-admitted as a member of the Law Society on all the same conditions contained in the discipline order dated May 26, 2006. These conditions are:
 - A. That Mr. Mattison may practice law as an employee of and supervised by another member of the Law Society of Saskatchewan, such member to be acceptable to the Chair of the Discipline Committee;
 - B. That Mr. Mattison shall not have signing authority with respect to any trust accounts relating to the practice of law;
 - C. That conditions 1 and 2 are to continue until such time as removed by the Chair of the Discipline Committee in his or her sole discretion.

Dated December 1, 2009

Signed on behalf of the Admissions and Education Committee



Ronald J. Kruzeniski. Q. C.