



**The Law Society of Saskatchewan**

**STEVEN J. WILSON**

**November 23, 2011**

**Law Society of Saskatchewan v. Wilson , 2011 SKLSS 8**

**IN THE MATTER OF *THE LEGAL PROFESSION ACT, 1990*  
AND IN THE MATTER OF STEVEN J. WILSON,  
A LAWYER OF SASKATOON, SASKATCHEWAN**

**DECISION OF THE HEARING COMMITTEE FOR THE  
LAW SOCIETY OF SASKATCHEWAN**

1. The Hearing Committee in this matter was comprised of Thomas Healey, Dr. Greg Stevens, and William Davern. The Hearing took place, via telephone, on November 23, 2011. Counsel for the Law Society of Saskatchewan (L.S.S.) was Timothy Huber and Steven Wilson was represented by Karen Prisciak, Q.C.

2. During the Hearing, by consent, a document entitled “Agreed Statement of Facts” was filed as Exhibit P1 and a document entitled “Certificate of the Executive Director of the Law Society of Saskatchewan Pursuant to Section 83 of the *Legal Profession Act*” was filed as Exhibit P2. At the outset of the Hearing, as noted in P1, Agreed Statement of Facts, counsel for the L.S.S. and the Member acknowledged the jurisdiction of the Hearing Committee and agreed that neither of them had any preliminary applications or objections in relation to the Hearing Committee. In relation to the Formal Complaint, the Member entered a guilty plea to count #1 and #3 and the L.S.S. withdrew count #2. Thus the Member admitted:

- a. In count #1 that he did fail to serve his client in a conscientious, diligent and efficient manner in that he failed to inform his client of pending court dates; and
- b. In count #3 that he did offer to reduce his legal account to his client in exchange for a written agreement from his client not to proceed with a complaint to the Law Society.

3. Counsel for the L.S.S. also filed with the Committee two prior Discipline Decisions that had been issued by the L.S.S. in relation to Steven Wilson, identified as Discipline Decision #04-06 and Discipline Decision #07-04 and a decision for reference entitled *Law Society of Saskatchewan v. Segal* [1999] L.S.D.D. No 20.

4. During the hearing, Timothy Huber on behalf of the L.S.S. and Karen Prisciak, Q.C., on behalf of the Member jointly submitted to the Hearing Committee that in this case, the Member should be:

- a. reprimanded;
- b. ordered to pay a fine in the amount of \$2,200.00; and
- c. required to pay costs in the amount of \$1,435.00.

5. In considering a joint submission, the Hearing Committee was cognizant that a Hearing Committee has a duty to consider a joint submission and should accept the recommended submission unless it is not within the range of sentencing options. (see: *Rault v. Law Society of Saskatchewan* 2009 SKCA 81; and *Law Society of Manitoba v. MacIver*, [2003] L.S.D.D. No. 29).

6. In this case, with some reluctance, the Hearing Committee is prepared to accept the joint submission. The Hearing Committee is of the view that the joint submission is within the range of acceptable sentencing options available to the committee. Our reluctance arose as this is now the third time that this Member has been disciplined by the L.S.S. and as the proposed penalty does not include any formal steps or requirements that require the Member to complete some training or mentoring program which might assist him in avoiding similar mistakes in the future. However, we were assured by Karen Prisciak, Q.C., that a number of steps have already been taken by the Member and that it is expected that those steps will assist the Member in practicing law in compliance with all of the requirements of the L.S.S. in the future.

7. In relation to this matter, the Hearing Committee Orders that:

- a. the Member Steven John Wilson be reprimanded;
- b. the Member Steven John Wilson be required to pay a fine in the amount of \$2,200.00; and
- c. the Member Steven John Wilson be required to pay costs in the amount of \$1,435.00.

8. At the request of the Member, the Hearing Committee agrees that the Member will have until May 23, 2012 to pay the fine and costs set out above.

#### **AGREED STATEMENT OF FACTS AND ADMISSIONS**

In relation to the Formal Complaint dated March 14th, 2011, alleging that he:

1. Did fail to serve his client, J.C. in a conscientious, diligent and efficient manner in that he failed to inform J.C. of pending court dates;
2. Did fail to serve his client, J.C. in a conscientious, diligent and efficient manner in that he failed to inform J.C. of a decision of the Court within a reasonable time; and

3. Did offer to reduce his legal account to J.C. in exchange for a written agreement from J.C. not to proceed with a complaint to the Law Society.

## **JURISDICTION**

1. Steven John Wilson (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* (herein after the “Act”) as well as the Rules of the Law Society of Saskatchewan (the “Rules”). Attached at Tab 1 is a Certificate of the Executive Director of the Law Society of Saskatchewan pursuant to section 83 of the Act confirming the Member’s practicing status.
2. The Member is currently the subject of a Formal Complaint initiated by the Law Society dated March 14th, 2011. The Formal Complaint is comprised of the three allegations noted above. The Formal Complaint was served upon the Member on March 22, 2011.
3. The Member acknowledges the jurisdiction of the Hearing Committee appointed in relation to this matter to determine whether the complaint against him is well founded. The Member further acknowledges the service of the Formal Complaint and the Notice of Hearing and takes no issue with the constitution of the Hearing Committee.
4. The Member has agreed to enter a guilty plea in relation to allegations #1 and #3. The Investigation Committee agrees to withdraw allegation #2.

## **BACKGROUND**

5. The Member was retained by J.C. in July, 2008, in relation to a family law matter. In February, 2009 the Member commenced a petition for divorce on behalf of his client.
6. J.C.’s estranged spouse C.C. subsequently replied with an application for child and spousal support under the provisions of The Inter-jurisdictional Support Orders Act, S.S. 2002, c.I-10.03 (“ISO”), within which the applicant sought orders under the ISO for child support in the amount of \$260.00 per month retroactive to September, 2003 as well as, spousal support of \$100.00 per month retroactive to February, 2004.
7. J.C. advised the Member that he had never signed the Minutes of Settlement that were submitted to the Court by C.C. in support of her position.

## **PARTICULARS OF CONDUCT**

8. The Law Society received a Letter of Complaint from J.C. dated February 10, 2010. The letter contained numerous allegations against the Member including that the Member failed to notify him of pending court dates and offered to release J.C.’s files at no charge provided that J.C. sign a written statement that he would not file a complaint against him with the Law Society.

### **Failure to Notify of Pending Court Date**

9. On August 17, 2009, an application made by C.C. matter was adjourned to August 31, 2009. On August 31, 2009, the Member argued his client's position before the Court. The Member filed an Affidavit with the Court supporting J.C.'s assertion that J.C. had not signed the Minutes of Settlement. The Court did not accept this argument.

10. J.C. was unaware of the August 31st court date and as a result, J.C. did not attend. He was upset that the Member had not told him about this upcoming appearance.

11. On August 31, 2009 the Member sent a letter to J.C. briefly summing up the outcome of the Chambers proceedings. Firstly, he stated that the Judge rejected the contention about the signature. Secondly, he reported the judge's determination that J.C. owed C.C. money and the extent of the retroactivity. Thirdly, the Member explained that the Court required more details concerning the dependency status of the child.

12. In the August 31, 2009 letter from the Member to J.C., the Member also conveyed his doubts as to the validity of J.C.'s position that he had not signed the Minutes of Settlement and explained that he had considered withdrawing himself from the file due to his concern that they may have been misleading the Court. The Member further advised J.C. that once he received the "exact wording" of the Order, he would let him know.

13. As a result of the above events, specifically the Member's lack of confidence in J.C.'s position, J.C. retained new counsel, G.R., to act on his behalf. On September 2, 2009 the Member received a request from G.R. asking that the Member provide the file to J.C. for transfer.

14. On September 4, 2009 the Member advised G.R. that he received a copy of the Judge's Order and that he would provide the document once J.C.'s account was settled. The amount of the invoice was \$1,941.00.

15. The Judge's Order was issued on September 2, 2009 directing that the matter was to be adjourned to Chambers on November 9, 2009. In addition to directing J.C. to pay child support, the Order directed C.C. to provide the Court with a sworn affidavit as to the status of the child. Based upon the Affidavit evidence to be presented at Chambers on November 9, 2009 by C.C., the Court would then determine whether the amount ordered would be sufficient to cover the retroactive amount awarded by the Court.

16. J.C. did not become aware of the November 9, 2009 adjourn date until 51 days after the Member became aware of it when on October 23, 2009, the Member sent J.C. a copy of the Order.

**Attempt to Bargain out of the J.C.'s Complaint to the Law Society**

17. On November 2, 2009 J.C. sent the Member a letter of termination and directed him to return all of his documents. Reasons for termination included the Member's delay in notifying J.C. of the pending November 9, 2009 Court date.

18. The Member's account was still outstanding and on November 4, 2009, the Member advised J.C. that he would be willing to release the file for \$330.00.

19. On November 25, 2009 the Member faxed a copy of the September 4, 2009 letter to G.R. with a hand-written note requesting that she call him. In a phone conversation later that day, the Member inquired as to whether J.C. was going to file a complaint with the Law Society. She advised the Member that J.C. was considering filing a complaint. In response, the Member told G.R. that he would release the files at no charge if J.C. would sign a statement to the effect that he would not file a complaint with the Law Society. When informed about this offer, J.C. refused. On November 26, 2009 G.R. called the Member to inform him of J.C.'s refusal to accept. The Member has admitted to the substance of this discussion as related to the Law Society by G.R.

20. Shortly after being advised of the Member's offer, J.C. decided to proceed with his complaint to the Law Society.

**PRIOR RECORD**

21. The Member has two prior findings of conduct unbecoming from 2004 and 2007. The decisions are attached hereto at Tab 2 for the committee's reference.