

LAW SOCIETY OF ALBERTA
IN THE MATTER OF THE LEGAL PROFESSION ACT;
AND
IN THE MATTER OF A RESIGNATION APPLICATION PURSUANT TO SECTION 32
BY JENNIFER VILLEBRUN
A MEMBER OF THE LAW SOCIETY OF ALBERTA

Resignation Committee:

Cal Johnson, Q.C., Chair (Bencher)

Dennis Edney, Q.C. (Bencher)

Louise Wasylenko (Lay Bencher)

Appearances:

Counsel for the Law Society – Karl Seidenz

Jennifer Villebrun – Self-Represented

Hearing Date:

December 5, 2016

Hearing Location:

Law Society of Alberta at 500, 919 – 11th Avenue S.W., Calgary, Alberta

RESIGNATION COMMITTEE REPORT

Jurisdiction, Preliminary Matters and Certain Exhibits

1. On December 5, 2016, a Resignation Committee (Committee) convened at the office of the Law Society of Alberta (LSA) to hear the resignation application of Jennifer Villebrun.
2. Exhibits 1 through 4 consisting of the Letter of Appointment of the Committee, the Notice to Attend to Ms. Villebrun, the Private Hearing Application, the Notice and the Certificate of Status with the LSA established the jurisdiction of the Committee. Exhibit 6, being Ms. Villebrun's materials contained in the exhibit book, which had been provided in advance to the Committee, was entered into evidence with the consent of the parties. Exhibit 5, being Ms. Villebrun's Record and Exhibit 7, an estimated Statement of Costs, were added to the exhibit book as the hearing proceeded.

3. Pursuant to Exhibit 3, the Deputy Executive Director and Director, Regulation of the LSA, indicated that 16 individuals had been served with the Private Hearing Application Notice but none of them applied to have the hearing held in private.

Section 32 vs. Section 61 Resignation Application

4. The resignation application was commenced pursuant to section 32 of the Legal Profession Act (the "Act"). The Committee heard arguments from Mr. Seidenz. In answer to a question from the chair Mr. Seidenz indicated his reasons for suggesting that a section 32 application was most appropriate. He indicated that from a review of the various client and other lawyer complaints, they were not of such a nature as to attract disbarment. There were no trust fund issues and no issues as to integrity or compromising client confidentiality.

Agreed Statement of Facts

5. Section D of Exhibit 6 consisted of an Agreed Statement of Facts signed by Ms. Villebrun and dated November 25, 2016. A statement of Undertakings and Agreements, also dated November 25, 2016, detailing proposed terms and conditions of the resignation was annexed as Section C of Exhibit 6. The Agreed Statement of Facts and statement of Undertakings and Agreements attached as Schedules "A" and "B".
6. Ms. Villebrun's conduct was the subject of a total of 46 complaints. Eighteen had been classified as formal and, of these, fifteen complaints were the subject matter of this resignation and were outlined in the Agreed Statement of Facts. Of the fifteen, four resulted in citations being issued by a Conduct Committee Panel. Of the other three formal complaints not the subject of this resignation, one was dismissed by a Conduct Committee Panel and the other two were dismissed but resulted in a referral to Practice Review. A Practice Review file was opened in September 2013 and closed in December 2015, as a result of which Ms. Villebrun provided undertakings regarding the conduct and wind-down of her practice.
7. The general nature of the complaints included the following allegations:
 - (a) Failing to serve clients through:
 - (i) failure to communicate,
 - (ii) failure to respond to communications;
 - (iii) failure to follow instructions,
 - (iv) failure to keep clients informed;
 - (v) failure to take reasonable and prompt steps to advance an action;
 - (vi) failure to appear in court; and
 - (vii) failure to transfer trust monies and file materials to a new counsel;
 - (b) Failure to respond to opposing counsel;

- (c) Failure to follow trust conditions imposed by another lawyer; and
 - (d) Failing to respond to the LSA in a timely manner and failure to provide substantive response to the LSA with respect to complaints over an extended period of time.
8. Counsel for the LSA advised the Committee that Ms. Villebrun wished to speak to the application. Ms. Villebrun provided a candid, thorough and heartfelt summary of the difficult and trying circumstances which led to many of the complaints, the personal physical and emotional challenges she was facing at the time, the challenges and difficulties she faced with practicing in an isolated circumstance in a remote rural location and the personal journey she had undertaken to deal with these circumstances as best she could. The Committee asked a number of questions to which Ms. Villebrun responded with candour, transparency and clear self-awareness.
9. Counsel for the LSA requested the Committee's approval of the Agreed Statement of Facts and the admissions of guilt set forth in that document.

The Undertakings

10. In addition to the Agreed Statement of Facts, Ms. Villebrun provided a written undertaking (Exhibit 6, Tab C) in which she set forth an undertaking to:
- (i) cooperate with the LSA with respect to any future claims made against her;
 - (ii) not appear on behalf of any person before any Court, tribunal, or administrative body performing any judicial or quasi-judicial function;
 - (iii) not perform any service or activity of a paralegal nature;
 - (iv) endeavour to pay any deductible with respect to any claim paid by the LSA Insurer and to pay the LSA any claim paid from the indemnity program fund;
 - (v) endeavour to locate and surrender her Certificate of Enrolment if found;
 - (vi) not be retained or employed in any capacity having to do with the practice of law or the provision of legal services;
 - (vii) not re-apply for admission to the LSA, provided that if she wanted to be relieved of this undertaking, she would first pay to the LSA the sum set out in the final Statement of Costs.

Counsel for the LSA indicated that the undertaking in paragraph (iv) above had been deliberately worded in that fashion as Ms. Villebrun candidly admitted she had very limited means and did not have any prospects for employment providing significant economic returns and might not be able to fulfill this undertaking if called upon.

Decision

11. Based on the evidence established by the Agreed Statement of Facts, the Committee determined that it was in the best interests of the public to accept the application of Ms. Villebrun to resign pursuant to section 32, effective November 25, 2016. The Committee accepted the undertakings made by Ms. Villebrun. The Committee further provided the approvals required by the LPA and Rules of the LSA, as requested by counsel for the LSA pursuant to paragraph 9 above.

Costs

12. Mr. Seidenz provided an amended Estimated Statement of Costs in the amount of \$20,617.62. After some questions posed to Mr. Seidenz by the Committee, the Committee directed that Ms. Villebrun be required to only pay the amount of \$10,000.00 of those costs prior to making an application for reinstatement as a member of the LSA.

Concluding Matters

13. There shall be no notice to the Attorney General.
14. A notice to the profession and the courts shall be given in accordance with the discretion of the Executive Director of the LSA.
15. The exhibits and this report will be available for public inspection, including the provision of copies of exhibits for a reasonable copy fee, except that identifying information in relation to persons other than Ms. Villebrun will be redacted, and further redactions will be made to preserve client confidentiality and solicitor-client privilege (rule 98(3)).

Dated at the City of Calgary, in the Province of Alberta, this 2nd day of March, 2017.

Cal Johnson, Q.C.

Dennis Edney, Q.C.

Louise Wasylenko

SCHEDULE "A"

IN THE MATTER OF THE *LEGAL PROFESSION ACT*

- AND -

IN THE MATTER OF A RESIGNATION APPLICATION BY
JENNIFER F.E. VILLEBRUN
A MEMBER OF THE LAW SOCIETY OF ALBERTA

AGREED STATEMENT OF FACTS AND ADMISSIONS

A. BACKGROUND

1. I was admitted as a member of the Law Society of Alberta (the "**LSA**") on October 13, 2006.
2. Between October 13, 2006, and July 7, 2015, I practiced criminal and family law as a sole practitioner in Valleyview under the firm name of "Villebrun Law Office". I also operated a professional corporation starting on September 11, 2009.
3. On July 7, 2015, I closed my practice and retired from the practice of law.
4. On December 1, 2015, I was involved in a serious motor vehicle accident, from which I am still recovering.
5. On March 10, 2016, the LSA obtained custody of my files pursuant to a Court order.

B. APPLICATION FOR RESIGNATION

6. I am applying to resign as a member of the LSA pursuant to section 32 of the *Legal Profession Act* (the "**Act**").
7. This application arises out fifteen complaints against me, four of which have resulted in citations being referred by a Conduct Committee Panel (a "**CCP**") to a Hearing Committee, and eleven of which have not yet resulted in citations being issued by a CCP.
8. I am making this application to avoid a lengthy hearing into the merits of these matters; to prevent the corresponding inconvenience to witnesses and panel members; and to bring these long-standing complaints to a conclusion.
9. I admit the facts contained in this Agreed Statement of Facts ("**ASF**") and where I make specific admissions to the conduct described herein, I agree that I am also admitting that the described conduct is deserving of sanction pursuant to section 49 of the *Act*.
10. I have signed this ASF voluntarily and without any compulsion or duress.

C. FACTS AND ADMISSIONS

1. CO.2013.0510 (Complainant: KG)

a. Facts

11. I was retained by KG in October 2010, through Legal Aid Alberta (“**LAA**”), to represent her in a divorce and custody matter. KG resides in Grande Prairie and my office was in Valleyview, which made in-person meetings difficult to schedule.
12. On June 25, 2012, I applied to Court for a number of grounds of relief, including an interim order for custody and child support. The Court issued an order that severed the divorce and corollary relief matters and that settled the terms of an interim order for child support. The balance of the application was adjourned, including the issue of section 7 expenses, pending questioning.
13. KG says that she instructed me to finalize the remainder of the divorce proceedings immediately. My recollection is that she instructed me to hold off from concluding the divorce until the custody and access issues had been resolved.
14. Between July 2012 and September 2013, there were a series of miscommunications resulting in missed telephone calls and emails, as well as missed appointments. For example,
 - a. In July and August of 2012, a number of messages and appointments were missed between KG and me;
 - b. In November-December 2012, KG left me a number of messages that I did not return;
 - c. At the end of February 2013, I scheduled a meeting with KG at the Courthouse in Grande-Prairie for March 18, 2013. That day, neither she nor I were able to find each other. The meeting was re-scheduled but we were again not able to connect; and
 - d. During this period, I had to cancel several meetings (2 to 5) because of family emergencies or bad road conditions.
15. On September 6, 2013, I met with KG and she swore an Affidavit. I told her that I would send the materials to opposing counsel and that her divorce would be finalized by Christmas.
16. During this period, I was in the process of winding down my family law practice and downsizing and moving my office. I did not provide KG my new contact information, nor did I respond to a number of messages left by her in January and February 2014.
17. In February 2014, KG contacted the Courthouse and was told by the clerk that I had not filed any documents since the application in June 2012.

18. By letter dated February 26, 2014, LAA advised me that KG no longer qualified for coverage. I sent the letter to KG a few days later. At that time, I had not yet received the signed documents from opposing counsel.

b. LSA Involvement

19. On June 10, 2013, the LSA received a letter of complaint from KG. The complaint was held in abeyance until she followed up with a second letter on March 4, 2014.
20. On March 26, 2014, and on April 10, 2014, a Complaints Resolution Officer (“CRO”) wrote to me requesting a response to KG’s complaint. I did not respond either letter.
21. On May 14, 2014, the Manager, Conduct wrote to me pursuant to section 53 of the *Act* requesting a formal response to the complaint. I provided an update by email on June 6, 2014, explaining that I was in the process of addressing all outstanding complaints but was experiencing technical problems in doing so. I advised that I expected to provide all of my responses by June 9, 2014.
22. On July 23, 2014, I provided a written response to KG’s complaint.

c. Citations

23. On April 15, 2015, a CCP issued the following citations:
- a. That I failed to serve my client, failed to follow her instructions, and delayed her matter;
 - b. That I failed to communicate with my client, failed to respond to her, and failed to keep her informed;
 - c. That I failed to respond to communications from the LSA in a timely manner; and
 - d. That I failed to be candid with the LSA.

d. Admissions

24. I admit that I failed to serve KG, that I failed to follow her instructions, and that I delayed her matter by failing to take timely steps to advance and finalize her divorce proceedings, including:
- a. Failing to take steps to finalize and file her legal documents after the Court appearance in June 2012; and
 - b. Failing to file her affidavit after our meeting on September 3, 2013, and the date that her LAA funding was terminated in February 2014.
25. I admit that I failed to communicate with KG, failed to respond, and failed to keep her informed of the status of her matter, including:

- a. Failing to respond to several telephone messages left by KG after the interim application in June 2012; and
 - b. Failing to advise her that I had closed my family law practice during the fall of 2013, leaving no forwarding address or contact information.
26. I admit that I failed to respond to communications from the LSA and that I failed to provide a response to the complaint for a period of four months.
27. Regarding the allegation that I failed to be candid, I understand that the LSA will not be calling evidence in support of this citation and thus I make no admission in reply.

2. CO.2014.0134 (Complainant: TE)

a. Facts

28. On January 14, 2014, the LSA received a complaint from TE about my representation of her in a divorce matter. On April 15, 2015, a CCP dismissed the substance of complaint, leaving only the issue of my delayed response to the LSA.

b. LSA Involvement

29. On January 21, 2014, and again on February 7, 2014, a CRO wrote to me requesting my response to TE's complaint. I did not respond to these letters or to a voice message on February 25, 2014.
30. On February 27, 2014, the CRO again wrote to me. I returned his call that day and advised him that my response was ready but that my fax machine was not working properly. The CRO provided me with his email address, but I did not send him my response. He followed up with a letter dated March 18, 2014, to which I did not respond.
31. On April 24, 2014, and again on May 20, 2015, the Manager, Conduct wrote to me requesting my formal response to the complaint. I did not respond to either of these letters.
32. On June 3, 2014, the Manager, Conduct wrote to me to let me know that the final review of the complaint had begun. On June 6, 2014, I emailed her explaining the delay and advised her that I expected to provide all of my responses by June 9, 2014. I followed up with a letter dated July 28, 2014, advising that I would provide a response by August 11, 2014.
33. On September 2, 2014, I faxed in my written response to the complaint.

c. Citation

34. On April 15, 2015, a CCP issued the single citation that I failed to respond promptly to the LSA.

d. **Admission**

35. I admit that I failed to respond to communications from the LSA and that I failed to provide a response to the complaint for a period of 7½ months.

3. **CO.2013.2610 (Complainant: SH)**

a. **Facts**

36. On September 9, 2013, the LSA received a complaint from SH about my representation of her in a criminal matter. On April 15, 2015, a CCP dismissed the substance of the complaint, leaving only the issue of my delayed response to the LSA.

b. **LSA Involvement**

37. Between September 9, 2013, and December 9, 2013, the LSA attempted to resolve the complaint in an informal matter with SH. When these attempts failed, I received a letter from the Manager, Conduct, dated December 9, 2013, asking for my formal response to the complaint.
38. Between December 9, 2013, and March 3, 2014, there were a number of letters and responses exchanged between the LSA, SH, and me.
39. On March 3, 2014, a Formal Complaints Reviewer (“**FCR**”) wrote to me seeking additional information from me. He followed up with letters dated March 24, 2014, and April 8, 2014. I did not reply to these letters.
40. On June 6, 2014, I emailed the Conduct, Manager explaining the delay and advised her that I expected to provide all of my responses by June 9, 2014.
41. On July 24, 2014, I faxed my written response providing the additional information to the FCR.

c. **Citation**

42. On April 15, 2015, a CCP issued the single citation that I failed to respond promptly to the LSA.

d. **Admission**

43. I admit that I failed to respond to communications from the LSA and that I failed to provide a response to the complaint for a period of four months.

4. **CO.2014.1255 (Complainant: VA)**

a. **Facts**

44. I was retained by VA in December 2012, through LAA, to represent her in a divorce matter.
45. In January 2013, my office completed the intake process and I started to draft some of the Court documents based on the initial financial disclosure received from VA, who had also requested that I take steps to allow her to retrieve items from the matrimonial home.
46. On February 8, 2013, my assistant emailed VA to let her know that I was in the process of drafting the paperwork and that we had all of the required documents but would contact her if we needed anything else. There was no contact between VA and my office for the next two months.
47. On April 7, 2013, VA emailed my office to ask about the status of her matter. Her email was sent to my assistant's junk folder but was retrieved on April 16, 2013, at which time my assistant replied that she would check with me about the status of her matter. VA again followed up on April 27, 2013, having received no response from my office.
48. A scheduled appointment for May 9, 2013, had to be cancelled and rebooked for May 29, 2013, at which time I prepared the Court documents with VA, although I still required additional documents from her.
49. On June 5, 2013, VA emailed my office and asked that she be given the opportunity to review the final documents before they were served on her spouse. The next day, she faxed additional financial information to my office.
50. On June 14, 2013 and again on June 18, 2013, VA emailed my office asking for an update. On June 18, 2013, my assistant advised her that I was working on her paperwork.
51. On July 1, 2013, I contacted VA to advise her that I was still missing documents. On July 20, 2013, VA provided me with the requested items.
52. On July 22, 2013, I filed the documents in Court and emailed VA to let her know that her spouse was about to be served and that her matter would likely be heard on August 26, 2013.
53. On August 1, 2013, VA emailed me asking for an update about the service of the materials on her spouse and asked to see the documents that were served on him. She followed up with an email on August 9, 2013, and again asked to see the documents. I did not respond to these emails.
54. On August 22, 2013, having received no response from me, VA went to the Courthouse to confirm that the hearing was scheduled for August 26, 2013, and to read the filed documents.
55. The application that was scheduled for August 26, 2013, was adjourned because VA's spouse appeared but was unprepared.
56. On September 17, 2013, VA emailed me and expressed concern that she had not seen a copy of the materials that had been filed and that she had not yet received a copy of

her spouse's materials. I eventually mailed the materials to her and she received them on October 10, 2013.

57. I attended a four-way meeting with VA on October 26, 2013, and it was agreed that the matrimonial home would be sold and that she could retrieve items from the home.
58. Between October 19, 2013 and November 12, 2013, VA sent me a number of emails to which I did not respond.
59. On November 21, 2013, VA signed a property listing to sell the home. On December 6, 2013, VA emailed me to let me know that her spouse's lawyer was still waiting to hear from me about the sale of the home. VA had also agreed to resign as a director of a numbered company owned by her and her spouse and I had agreed to prepare the necessary documents.
60. On December 11, 2013, VA emailed me asking about the resignation documents. I called to advise her that I would no longer be acting for her because I was moving out of family law, although I did advise her that I would continue to act until new counsel was appointed. I did not contact opposing counsel about the property sale, nor did I prepare the resignation documents.

b. LSA Involvement

61. On May 15, 2014, the LSA received a Lawyer Complaint Form from VA
62. On June 13, 2014, a CRO wrote to me requesting my response to the complaint. I provided an update on July 22, 2014, stating that I had retrieved the file from storage and expected to have a response by July 30, 2014. I did not, however, follow up with my response.
63. On July 23, 2014, the Manager, Conduct wrote to me requesting my formal response to the complaint. I did not respond to this letter.
64. On June 1, 2015, I provided a written response to the complaint.

c. Citations

65. On April 15, 2015, a CCP issued the following citations:
 - a. That I failed to serve my client;
 - b. That I failed to follow my client's instructions;
 - c. That I delayed my client's matter;
 - d. That I failed to communicate with my client, failed to respond to her, and failed to keep her informed about the status of her matter; and
 - e. That I failed to respond to communications from the LSA in a timely manner.

d. **Admissions**

66. I admit that I failed to serve my client,
- a. By failing to take reasonable and prompt steps to advance her action from December 2012 to the date I withdrew in December 2013;
 - b. By making promises about when certain tasks were to be done and failing to follow through, including advising her on February 8, 2013, that I had all of the documents that I needed, whereas documents were missing at the time of our meeting on May 29, 2013.
67. I admit that I failed to follow my client's instructions by:
- a. Failing to make an application to retrieve her personal items from the matrimonial residence, which were eventually obtained during the four-way settlement meeting in October 2013, nine months later;
 - b. Failing to prepare a director's resignation, as requested by VA; and
 - c. Failing to contact opposing counsel to enable the listing of the home, as requested by VA.
68. I admit that I delayed my client's matter by:
- a. Failing to take prompt steps to advance her application until August 26, 2013; and
 - b. Failing to take steps to ensure that all materials were received from her.
69. I admit that I failed to communicate with my client, failed to respond, and failed to keep her informed by:
- a. Failing to return several telephone calls and emails from her;
 - b. Failing to provide VA with a copy of the materials served on her spouse, despite her requests to do so; and
 - c. Failing to advise VA of the date and time of the hearing such that she was had to contact the Court clerk to obtain this information.
70. I admit that I failed to respond to communications from the LSA and that I failed to provide a response to the complaint for almost one year, by which time citations had already been issued.

5. **CO.2014.0814 (Complainant: MD)**

a. **Facts**

71. I was retained by MD in April 2013, through LAA, to assist her in a divorce and custody matter.
- a. On August 12, 2013, I represented MD in court proceedings that involved child support and the residence of the children. Both parties agreed to the terms surrounding the divorce, child support, and division of the pension.
 - b. MD was under the impression that I was going to file the transcript of proceedings with the Court so that an Order could be put in place. I advised MD that LAA would not cover the cost of transcripts and that MD would have to pay for them herself if she required them.
 - c. For six months after the Court date, MD tried on at least ten occasions by email and telephone messages to obtain the transcripts from me. I did not reply until January 8, 2014, when I emailed her to advise that I was leaving family law but promised to follow up with her in the coming week to determine what steps remained to be done on her file.
 - d. I did not follow up except to write to her on September 1, 2014, to advise that I had sent a copy of the order to her ex-spouse.

b. LSA Involvement

72. On March 28, 2014, the LSA received a Lawyer Complaint Form from MD.
73. On April 4, 2014, a CRO wrote to me requesting a response to the complaint. I did not respond.
74. On May 14, 2014, the Manager, Conduct wrote to me requesting my formal response. I provided an update by email on June 6, 2014, stating that I was in the process of addressing all outstanding complaints. I followed up with a letter dated July 28, 2014, stating that I would provide a response to MD's complaint by August 11, 2014. I did not provide my response by then.
75. On June 1, 2015, I provided a written response to the complaint.

c. Admissions

76. I admit that I failed to communicate with my client, failed to respond to her, and failed to keep her informed by:
- a. Failing to return her communications after the hearing in August 2013; and
 - b. Failing to respond to her at all following my letter of January 8, 2014.
77. I admit that I failed to serve my client by:
- a. Failing to finalize her legal matters after the hearing in August 2013; and
 - b. Failing to follow up on her matter after I said I would on January 8, 2014.

78. I admit that I failed to respond to communications from the LSA and that I failed to provide a substantive response to MD's complaint for a period of 14 months.

6. CO.2014.0772 (Complainant: BM)

a. Facts

- a. BM is a lawyer and he and I acted for opposing parties in a matrimonial action.
- b. My client had filed a *Lis Pendens* on her spouse's property. A condition of the Minutes of Settlement was that the *Lis Pendens* would be removed within one week of receipt of the endorsed Minutes of Settlement, with proof of discharge to be provided two weeks after that.
- c. My student-at-law was dealing with the matter until he left my employment in August 2013.
- d. In June 2013, BM provided my office with signed Minutes of Settlement on the trust condition that we return two endorsed copies and a filed Discontinuance of Action within three weeks.
- e. We were having difficulty contacting my client, who resided in Saskatchewan, and advised BM of the problem. BM granted a few extensions with a final deadline of September 20, 2013.
- f. On September 22, 2013, I sent the signed Minutes of Settlement to BM and stated that I was in the process of discharging the *Lis Pendens*. The documents were rejected at the Land Titles Office and there was confusion about a previous discharge document that had been filed.
- g. On December 11, 2013, BM wrote to me requesting an update. I did not respond. He followed up with a letter on January 7, 2014, to which I responded by calling his assistant on January 27, 2014. MD followed up several more times in the next two months, but I did not respond.
- h. On February 26, 2014, BM served my office with an application returnable on March 20, 2014, seeking to have the *Lis Pendens* discharged and to have the action discontinued. I did not respond to the application, nor did I appear in Court, resulting in the application being granted with costs awarded jointly and severally against my client and me in the amount of \$1,800.00, payable forthwith.

b. LSA Involvement

79. On March 24, 2014, the LSA received a Lawyer Complaint Form from BM.
80. On April 24, 2014, and again on May 20, 2014, the Manager, Complaints wrote to me requesting my formal response. I provided an update by email on June 6, 2014, stating that I was in the process of addressing all outstanding complaints. I followed up with a letter on July 28, 2014, stating that I would provide a response by August 11, 2014.

81. On June 1, 2015, I provided my response to the complaint.

c. Admissions

82. I admit that I failed to comply with the trust conditions imposed on my office by MD.

83. I admit that I failed to respond to communications from MD for a period of four months, from September 2013 to January 2014, and that I failed to respond to him at all after January 27, 2014.

84. I admit that I failed to appear in Court on March 20, 2014, despite valid service on my office, resulting in a costs award against me and my client.

85. I admit that I failed to respond to communications from the LSA and that I failed to provide a substantive response to the complaint for a period of 14 months.

7. CO.2014.0665 (Complainant: AB)

a. Facts

86. I was retained by AB in December 2010 to assist her in a matrimonial matter. AB had been represented by another lawyer and I did not receive the materials until June 2011. Over the next year, I prepared a spousal support application, which was eventually filed in June 2012.

87. We scheduled a questioning for August 2012, but AB's spouse did not appear. The questioning was rescheduled for September 2012, but again AB's spouse did not appear. The questioning was again re-scheduled for December 2012, but I did not have this appointment in my calendar and thus it was cancelled. In the meantime, a Court appearance was scheduled in November 2012, at which I did not appear because it had not been put in my calendar.

88. On February 8, 2013, my assistant responded to emails that had been sent by AB in the preceding months. She was told that I was working to obtain another questioning date. When AB received no response, she followed up by email on March 20, 2013, asking for an update. During his period, I was working on re-scheduling the questioning, but was having trouble doing so.

89. After some back and forth in April 2013, my office advised AB on April 22, 2013, that opposing counsel had withdrawn and that I was looking into the matter. On May 10, 2013, AB emailed me to ask for an update, to which my office replied that we were working on a notice for questioning. She followed up again on June 20, 2013, on July 12, 2013, and on July 18, 2013, to which I responded with a telephone call on July 25, 2013.

90. On July 31, 2013, I served an appointment for questioning, which was scheduled to occur on September 9, 2013. However, AB's again did not appear. I then began working an application when I realized that the matter had not been transferred to Grande-Prairie, causing delay.

91. I appeared in Court on November 13, 2013, to obtain an order for service by email. I did not inform AB of the outcome of this appearance nor did I communicate with her until February 21, 2014, when I sent her a letter in which I advised her that I was leaving family law but would assist her in finding a new lawyer. AB advised me that she had retained a new lawyer and instructed me to send her file to him. I did not respond to her email.
92. I received a letter on June 12, 2014, from her new lawyer asking for the materials and the balance of her retainer. I did not respond. Her new lawyer followed up with a letter dated August 14, 2014. I eventually sent the materials on September 22, 2104, as well as the trust monies.

b. LSA Involvement

93. On March 10, 2014, the LSA received a Lawyer Complaint Form from AB.
94. On March 18, 2014, a CRO sent me a letter requesting my response to AB's complaint, to which I did not respond. The CRO and I exchanged several voicemails over the next month. By May 2, 2014, my response had not been received and I telephoned the CRO to advise him that I would send it again and that I would be preparing a final bill to the unused retainer monies the following week, which I did not do until September 2014.
95. On May 21, 2014, the Manager, Conduct sent me a letter requesting my formal response. I provided an update on June 6, 2014, stating that I was in the process of addressing all outstanding complaints. I followed up by letter on July 28, 2014, stating that I would provide a response by August 11, 2014. Eventually, I provided my response on August 18, 2014.

c. Admissions

96. I admit that I failed to communicate with my client, failed to respond to her communications, and failed to keep her informed by on an ongoing basis by:
 - a. Failing to respond to her emails on several occasions in 2013 and 2014; and
 - b. Failing to advise her of the outcome of the hearing in November 2013.
97. I admit that I delayed my clients matter by:
 - a. Failing to advance the action for the year following receipt of the materials in June 2011;
 - b. Failing to ensure that the questioning in December 2012 was in my calendar and failing to ensure that the action had been transferred to Grande-Prairie; and
 - c. Failing to transfer her file materials and trust monies to her new lawyer promptly.
98. I admit that I failed to respond to communications from her new lawyer when asked to transfer the file materials and trust monies.

99. I admit that I failed to respond to communications from the LSA and that I failed to provide a substantive response to the complaint for a period of five months.

8. CO.2014.0585 (Complainant: MC)

a. Facts

100. I was retained by MC through LAA, to represent her in a divorce matter.

101. On August 5, 2013, I met with MC for an initial meeting and to obtain the file materials. In early September 2013, there were a series of communications between me and opposing counsel during which I was provided a settlement proposal and a draft agreement. A court application scheduled for September 9, 2013, was adjourned to October 2, 2013, to explore resolution by consent.

102. On October 2, 2013, MC called my office to determine if she was required to attend Court. She was told that she wasn't. I understand from her complaint that MC stated that did not hear back from my office for a period of one month and left two or three messages per week for me to contact her. Upon not hearing back from me, she retained a new lawyer who finalized the documents. However, my notes indicate that she was contacted to attend at my office to review the documents from opposing counsel, but did not attend.

b. LSA Involvement

103. On March 3, 2014, the Law Society received a complaint from MC. On March 26, 2014, and on April 10, 2014, a CRO sent letters to me requesting my response to MC's complaint. I did not reply.

104. On May 14, 2014, the Manager, Conduct sent me a letter requesting my formal response to the complaint. I sent provided an update on June 6, 2014, indicating that I was in the process of addressing all outstanding complaints. On July 23, 2014, I submitted my response to the complaint.

c. Admissions

105. I admit that I failed to respond to communications from the LSA and that I failed to provide a substantive response to the complaint for a period of four months.

9. CO.2014.0546 (Complainant: LC)

a. Facts

106. LC retained me in in February of 2011 to assist her in a divorce action. For the next three years, we worked together to negotiate a settlement agreement with her spouse.

107. LC and I met in August 2013 to review the proposed Separation Agreement. LC requested that three changes be made but through inadvertence, only one was made before I sent the Agreement to opposing counsel in September 2013. Another draft containing an additional omission was then sent to opposing counsel, creating more delay. In December 2013, the final revision was made to the Separation Agreement and the document was supposed to be sent by me to opposing counsel.
108. In January 2014, LC tried to contact me for an update with no success. Opposing counsel also wrote to me twice in January 2014 and again in April 2014, but I did not respond. Despite these calls and e-mails I did not send the revised Separation Agreement to opposing counsel.
109. On June 16, 2014, LC terminated my retainer, noting that she had been unable to contact me during the preceding six months. I met with her in August 2014 and returned her file materials.

b. LSA Involvement

110. On February 28, 2014, the LSA received a complaint from LC.
111. On March 26, 2014, and again on April 10, 2014, a CRO sent me a letter requesting my response to the complaint. I did not respond to those letters.
112. On May 14, 2014, the Manager, Conduct wrote to me requesting my formal response to the complaint. I provided an update on June 6, 2014, stating that I was in the process of addressing all outstanding complaints. I followed up with a letter on July 28, 2014, stating that I would provide my response by August 11, 2014. I provided my response to the complaint on September 9, 2014.

c. Admissions

113. I admit that I failed to serve my client by:
 - a. Failing to take steps to finalize her legal matters after January 2014; and
 - b. Failing to return her file materials promptly following her letter in June 2014.
114. I admit that I failed to communicate with my client, failed to respond to her communications, and failed to keep her informed by failing to return her communications for a period of eight months between January 2014 and August 2014.
115. I admit that I failed to respond to communications from opposing counsel in 2014.
116. I admit that I failed to respond to communications from the LSA and that I failed to provide a substantive response to the complaint for a period of six months.

10. CO.2014.0472 (Complainant: AH)

a. Facts

117. I was retained by AH in December 2012, through LAA, to represent her in a divorce matter.
118. The legal documents were finalized and sent to me on April 29, 2013, but I did not take steps to deal with them immediately. Opposing counsel wrote to me on June 4, 2013, to which I responded the following week that the documents would be returned by June 21, 2013. I did not do so and opposing counsel followed up again on July 8, 2013.
119. I provided the documents on July 25, 2013, but one of them was not executed properly. Opposing counsel advised me of this by letter dated July 30, 2013, with a follow up on September 4, 2013. I eventually sent the materials to opposing counsel on September 9, 2013, for execution. The executed materials were returned to me September 23, 2013, for filing. I did not file the documents, nor did I report to AH about the status of this matter.
120. On February 27, 2014, AH emailed my office asking for an update, with a follow up letter on March 7, 2014, noting that she had not heard back from me since June 2013. She emailed several more times in March 2014, to which I did not reply.
121. I wrote to her on September 1, 2014, to advise that I was leaving family law and would ask LAA to appoint a new lawyer.

b. LSA Involvement

122. On March 27, 2014, the LSA received a Lawyer Complaint Form from AH.
123. On April 4, 2014, a CRO wrote to me requesting my response to the complaint. I did not respond.
124. On May 14, 2014, the Manager, Complaints sent me a letter requesting my formal response. On June 6, 2014, I provided an update that I planned to address all outstanding complaints. I provided another update on July 28, 2014, stating that I would be responding by August 11, 2014.
125. On June 1, 2015, I submitted my written response.

c. Admissions

126. I admit that I failed to serve my client by
 - a. Failing to return legal materials to opposing counsel for a period of three months between April and July 2013;
 - b. Failing to deal with the unexecuted document for an additional two months, between July 2013 and September 2013;
 - c. Failing to file the documents upon receipt in September 2013;
 - d. Failing to return AH's file materials promptly after her letter in June 2014.

127. I admit that I failed to communicate with my client, failed to respond to her communications, and failed to keep her informed by failing to respond to any of her communications after June 2013.
128. I admit that I failed to respond promptly to opposing counsel on several occasions.
129. I admit that I failed to respond to communications from the LSA and that I failed to provide a substantive response to the complaint for a period of 14 months.

11. CO.2014.0619 (Complainant: KJ)

a. Facts

130. I was retained by KJ in November 2012, through LAA, to represent her in a divorce, and we worked to that end during the first six months of 2013.
131. I understand from KJ's complaint that she was having trouble contact me after August 2013. However, my time entries indicate that we spoke on September 3, 2013.
132. In November 2013, I received notice that KJ no longer qualified for LAA coverage and I returned her materials to her in December 2013.

b. LSA Involvement

133. On April 29, 2014, the LSA received a complaint from KJ.
134. On May 2, 2014, a CRO sent me a letter requesting my response to KJ's complaint. I did not respond, other than to provide an update on June 6, 2014, that I planned to address all outstanding complaints shortly.
135. On June 25, 2014, the Manager, Conduct sent me a letter requesting my formal response to this matter. I provided an update on July 28, 2014, in which I stated that I would provide my response by August 11, 2014.
136. I provided my response on June 1, 2015.

c. Admissions

137. I admit that I failed to respond to communications from the LSA and that I failed to provide a substantive response to the complaint for a period of 13 months.

12. CO.2015.0757 (Complainant: CA)

a. Facts

138. CA retained me in December 2012, through LAA in a divorce matter. At the time of her complaint, I understand that she stated that she had been trying to contact me for five

months. However, CA's LAA certificate was concluded in 2013 and CA was unaware of my new contact information. I eventually advised her that I was no longer practicing family law and could refer her to new counsel and explained how she could finalize the divorce herself.

b. LSA Involvement

- 139. On March 31, 2015, the LSA received a complaint from CA.
- 140. On April 8, 2015, a CRO sent a letter to me seeking my response to the complaint and followed up with a telephone call to my old number which was no longer in service. He followed again by leaving me a message on April 29, 2015. I did not respond to his letters or telephone messages.
- 141. On May 5, 2015, the Manager, Conduct sent me a letter requesting my formal response, which I provided on June 1, 2015.

c. Admissions

- 142. I admit that I failed to keep CA aware of my new office contact information.
- 143. I admit that I failed to respond to communications from the CRO in April 2015.

13. CO.2015.1155 (Complainant: WB)

a. Facts

- 144. WB operated a process service company. On January 16, 2015, I hired WB to effect service of a subpoena. WB then rendered an account for \$147.00, which I was not in a position to pay. He followed up with reminder letters over the next three months, to which I did not reply.
- 145. I acknowledge that I owe the money to WB and all outstanding accounts will eventually be dealt with once I have secured new employment.

b. LSA Involvement

- 146. On May 8, 2015, the LSA received a Lawyer Complaint Form from WB.
- 147. On May 14, 2015, the Manager, Conduct sent me a letter seeking my formal response to the complaint.
- 148. On June 1, 2015, I submitted my written response to the complaint.

c. Admissions

149. I admit that I failed to meet my practice's financial obligation to AB contrary to Rule 6.01(2) of the *Code of Conduct*.

14. CO.2015.0686 (Complainant: KS)

a. Facts

150. In 2013, I leased several pieces of business equipment from a company operated by KS. I was eventually involved in a billing dispute with KS about the services that were rendered.

151. On October 2, 2014, I received a demand letter from the lawyers for KS, to which I did not respond. The lawyers sent a follow up email on October 30, 2014, to which I did not respond.

152. On December 11, 2014, I received an email from the lawyers and responded by telephone call, explaining that I had experienced billing issues with KS.

153. On December 12, 2014, KS filed a Civil Claim against my Professional Corporation in Provincial Court for approximately \$8,000.00. I filed a Dispute Note in response.

154. A mediation was scheduled for February 20, 2015, for which I did not receive notice. Because I did not attend, a Certificate of Non-Attendance was issued.

155. In April 2015, the amount claimed was increased to \$43,824.79 to account for the acceleration clause and for the damage that was allegedly sustained to the equipment.

156. On September 3, 2015, I wrote to the lawyers to advise that I was closing my practice and that there were insufficient assets to pay them in full.

157. I did not attend the pre-trial conference on October 26, 2015, resulting in a judgment being issued against my professional corporation. Shortly thereafter, a Writ of Enforcement was issued in the amount of \$38,653.65, which I did not report to the LSA.

b. LSA Involvement

158. On March 6, 2015, the LSA received a Lawyer Complaint Form from KS.

159. On March 19, 2015, and again on April 13, 2015, an FCR sent me a letter seeking my formal response to the complaint, to which I did not respond.

160. I have not submitted a formal response to this complaint.

c. **Admissions**

161. I admit that I failed to meet my practice's financial obligation to KS contrary to Rule 6.01(2) of the *Code of Conduct*.
162. I admit that I failed to respond to communications from opposing counsel in a timely manner.
163. I admit that I failed to respond to communications from the LSA and that I failed to provide any response to the complaint at all.
164. I admit that I failed to report the writ contrary to Rule 119.34(1)(e) the *Rules of the LSA*.

15. **CO.2015.2418 (Complainant: EE)**

a. **Facts**

165. On May 7, 2014, EE retained me to assist him with a settlement proposal. I was not retained to assist him with the substantive aspects of the litigation. He paid me a retainer of \$2,000.00 and I agreed to charge him \$300.00 per hour. My time records indicate that I spent 16.35 hours in dealing with his matter and I did not bill EE for any excess fees.

b. **LSA Involvement**

166. On October 26, 2015, the LSA received a complaint from EE. On November 12, 2015, an FCR wrote to me requesting my response to this complaint. I was involved in a serious car accident in early December 2015 and provided my response as soon as I could on May 11, 2016.

c. **Admissions**

167. I understand that the LSA does not require any admissions about EE's complaint.

D. **COMPLAINT AND PRACTICE REVIEW HISTORY**

168. The LSA has recorded a total of 46 complaints against me, 18 of which were classified as formal complaints. Of these 18 formal complaints,
- a. Fifteen are the subject matter of this resignation;
 - b. One was dismissed by a CCP as having no reasonable prospect of conviction; and
 - c. Two were dismissed by a CCP but resulted in a referral to Practice Review.

169. A practice review file was opened in September 2013 and closed in December 2015, during which time I was involved in a Practice Assessment and provided undertakings regarding the conduct and wind-down of my practice.

ALL OF THESE FACTS ARE ADMITTED TO THIS 25th DAY OF NOVEMBER 2016.

“Jennifer F.E. Villebrun”

Jennifer F.E. Villebrun

SCHEDULE “B”

IN THE MATTER OF THE *LEGAL PROFESSION ACT*

- AND –

IN THE MATTER OF A RESIGNATION APPLICATION BY

JENNIFER F.E. VILLEBRUN

A MEMBER OF THE LAW SOCIETY OF ALBERTA

UNDERTAKINGS AND AGREEMENTS

I, **Jennifer F.E. Villebrun**, undertake and agree to the following terms and conditions of resignation:

1. I will cooperate with the Law Society of Alberta (the “**LSA**”) in the future with respect to any claim made against me or against the Assurance Fund or Part B of the group policy.
2. I will endeavour to pay any deductible with respect to any claim paid by the LSA Insurer and to pay the LSA any claim paid from the Assurance Fund or the indemnity program fund.
3. I will endeavour to locate and surrender to the LSA my Certificate of Enrolment if found.
4. I will cooperate with the LSA to submit a Self-Report, an Accountant’s Report or a data Upload should any of these documents be needed in the future.
5. I will not be retained or employed in any capacity having to do with the practice of law or the provision of legal services.
6. I will not appear on behalf of any person before any Court, tribunal, or administrative body performing any judicial or quasi-judicial function, including any appearance pursuant to section 106(2)(l) of the *Legal Profession Act*, RSA 2000, c L-8, as am.
7. I will not engage in or perform any service or activity of a paralegal nature, including any activity or service usually provided by an articling student, law clerk, legal assistant, research assistant, or legal secretary.
8. I will not re-apply for admission to the LSA. If I want to be relieved of the undertaking not to re-apply for admission to the LSA, I will first pay to the LSA the sum set out in the final Statement of Costs approved by the Resignation Committee before being able to file an application for relief from this undertaking, which will precede any application for re-instatement.

SIGNED AT Lethbridge, ALBERTA, THIS 25th DAY OF NOVEMBER, 2016.

“Witness”

Witness to the Signature of

Jennifer F.E. Villebrun

“Jennifer F.E. Villebrun”

Jennifer F.E. Villebrun