## LawSocietyofAlberta



www.lawsocietyalberta.com

# THE LAW SOCIETY OF ALBERTA HEARING COMMITTEE REPORT

IN THE MATTER OF THE *Legal Profession Act*, and in the matter of a Hearing regarding the conduct of ALAN COLLINS, a Member of The Law Society of Alberta

## INTRODUCTION

1. On January 9, 2008, a Hearing Committee of the Law Society of Alberta (LSA) convened at the Law Society office in Edmonton to inquire into the conduct of Alan Collins. The Committee was comprised of Rodney Jerke, Q.C., Chair, Neena Ahluwalia, Q.C., and Larry Ohlhauser. The LSA was represented by Michael Penny. The Member was present for the Hearing. The Member was not represented by Counsel and confirmed that he is aware of Counsel willing to act for Members before Hearing Committees on a pro-bono basis.

## JURISDICTION AND PRELIMINARY MATTERS

- 2. Exhibits 1 through 4, consisting of the Letter of Appointment of the Hearing Committee, the Notice to Solicitor, the Notice to Attend, and the Certificate of Status of the Member, established jurisdiction of the Committee.
- 3. There was no objection by the Member or Counsel for the LSA regarding the constitution of the Committee.
- 4. The Certificate of Exercise of Discretion, Affidavit of Service of a letter and Private Hearing Application Notice on the Complainant, KC, was entered as Exhibit 5. Counsel for the LSA advised that the LSA did not receive a request for a private hearing, and neither Counsel for the LSA nor the Member requested a private hearing, therefore the hearing was held in public.

## **CITATIONS**

- 5. The Member faced the following citations:
  - Citation 1: IT IS ALLEGED that you inadequately prepared for the application heard by Justice Perras on December 8, 2003, thereby breaching the *Code of Professional* Conduct, and that such conduct is conduct deserving of sanction.
  - Citation 2: IT IS ALLEGED that without your client K.C.'s instructions or consent, you agreed to the Consent Order granted by Justice Lewis on December 15, 2003, which gave your client's former spouse sole custody of your client's child, thereby breaching the *Code of Professional Conduct*, and that such conduct is conduct deserving of sanction.
  - Citation 3: IT IS ALLEGED that you suggested that costs be awarded against your client which were higher than opposing counsel requested and higher than the Court was originally prepared to award, thereby breaching the *Code of Professional Conduct*, and that such conduct is conduct deserving of sanction.
  - Citation 4: IT IS ALLEGED that you failed to be candid with the Law Society of Alberta when you asserted that at the time of the court application on December 8, 2003, you had not been told by your client that there was an Order for supervised access in place, thereby breaching the *Code of Professional Conduct*, and that such conduct is conduct deserving of sanction.
  - Citation 5: IT IS ALLEGED that you failed to be candid with the Law Society when you asserted that your client had failed to accurately inform him of the history of the litigation, thereby breaching the *Code of Professional Conduct*, and that such conduct is conduct deserving of sanction.

Citation 5 was amended with the consent of the Member at the hearing to correct a typographical error as follows:

"...client had failed to accurately inform him you of the history..."

## SUMMARY OF RESULT

- 6. In closing arguments, Counsel for the LSA conceded that the Consent Order granted by Justice Lewis on December 15, 2003, may or may not have affected the rights of the Member's client. The Member argued that the Consent Order did not affect the rights of the client at all. The Hearing Committee therefore decided, based on those arguments, to amend Citation 2 as follows:
  - "IT IS ALLEGED that without your client K.C.'s instructions or consent, you agreed to the Consent Order granted by Justice Lewis on December 15, 2003, which gave your client's former spouse sole custody of your client's child, thereby breaching the *Code of Professional Conduct*, and that such conduct is conduct deserving of sanction."
- 7. In the result, on the basis of the evidence entered at the Hearing, and for the reasons set out below, the Hearing Committee found that Citations 1, 2, and 4 were proven and that the Member was guilty of conduct deserving of sanction in respect of Citations 1, 2 as amended, and Citation 4. Citations 3 and 5 were dismissed. The Hearing Committee made the following orders concerning sanction:
  - a) That the Member be disbarred.
  - b) That the Member pay 2/3 of the actual costs of the Hearing.

#### **EVIDENCE**

- 8. A Binder with Agreed Exhibits 1 24 was entered by consent of the parties.
- 9. Exhibits 25 and 26 were entered by the Member.
- 10. Exhibits 27, 28, and 29, were entered by Counsel for the LSA during cross examination of the Member.
- 11. Exhibits 30 and 31 were entered by Counsel for the LSA.
- 12. The Hearing Committee heard evidence from KC and the Member.

## SUMMARY OF THE EVIDENCE AND FINDINGS OF FACT

#### A) GENERAL

- 13. The Member was retained by KC to act with respect to a custody/access dispute. A number of lawyers had acted for KC over the course of the lengthy proceedings leading up to the retainer of the Member in August 2003. Those proceedings included the following Orders:
  - An Order of March 10, 1994 granting interim custody of the child to the child's mother, LP, with reasonable access to KC.
  - An Order of February 21, 1995 ordering an assessment and granting interim specified access to KC.
  - An Order of June 21, 1996 granting interim custody of the child to the child's mother, LP, and specified interim access to KC.
  - An Order of July 4, 2002 ordering that the matter be set for Trial and ordering that KC exercise supervised access to the child. This Order was not entered until October 15, 2003.
- 14. On September 4, 2003, the Member filed a Notice of Motion on behalf of KC seeking enforcement of the June 21, 1996 Order for access. That Motion was withdrawn and the Member took steps to assist KC to have a supervised visit with the child, which resulted in an unsuccessful attempt to access by KC at the Provincial Museum on October 19, 2003.
- 15. The Member filed a Notice of Motion on December 2, 2003, to require supervised visits, and was met with an application by Counsel for the mother, LP, seeking suspension of KC's supervised access pending completion of a custody and access assessment.
- 16. The application was heard on December 8, 2003, and a transcript of the hearing was provided.
- 17. The application resulted in an Order removing KC's rights of access pending the completion of the access assessment, and ordering him to pay costs in the amount of \$500.00.
- 18. The Member then received a request from a Student-at-Law at the office of the Solicitor for the wife, LP, requesting "a form of Interim Consent Order for your consent, specifying that LP has sole custody of the child of the marriage as per the Interim Order of June 21, 1996".

- 19. The Member provided his consent to an Order stated to be an Interim Consent Order, which stated in the preamble "[LP] has "sole custody" pursuant to the Interim Order of June 21, 1996 and ordered that [LP] shall have sole custody of [the child]".
- 20. On October 25, 2005, new Counsel for KC provided the Member with a transcript of the December 8, 2003 proceedings raising concerns about the December 15, 2003 Consent Order giving the mother sole custody of the child, and raising a concern that KC had not provided the Member with instructions to enter into that Consent Order.
- 21. The Member responded to KC's new Counsel on November 1, 2005.
- 22. KC made a complaint to the LSA on December 14, 2005, and on October 12, 2006, a letter was sent by the Manager of Complaints to the Member under Section 53 of the *Legal Profession Act* seeking his written response.
- 23. The Member did respond on October 13, 2006, at which time he stated:
  - "I made a court application on his behalf on December 8, 2003 to enforce access, and hadn't been told by Mr. C that there was an order for supervised access in place."
- 24. On further request for reply from LSA, the Member stated on November 2, 2006:

"In reply to your letter of November 2, 2006, I reiterate that when I prepared the Affidavit which Mr. C swore at my office on September 3, 2003, and still when I went to Chambers on his behalf, on December 8, 2003, I didn't know about the existing supervision order. I was told about it by the child's mother's lawyer, Diana Gosselin, at court on December 8, 2003, confirmed by Ms. Gosselin's statement to the court at page 5, line 2 of the transcript:

Then, now a year later in September, actually, he brings an application and didn't tell my friend about the supervised access order and tries to come to the court to enforce an old '95 order of regular access. That doesn't work, so then he goes off and says – my friend tells him you've got to go for the supervised access.

I hope that this confirmation by Ms. Gosselin of my position will help Mr. C to put the matter at rest in his mind now, three years later." 25. The Member was provided with a copy of a transcript of a telephone conversation between the Member and KC of October 2, 2003, after which he responded to the LSA on December 29, 2006, stating:

"Of course I found out from the lawyer on the other side, as soon as I served my Notice of Motion and his Affidavit, sworn September 3, 2003, that there was a later Order than the one he gave me to include in his aforesaid Affidavit, which was the Order of Justice MacCallum, dated June 21, 1996."

## **TESTIMONY OF KC**

- 26. KC testified that at the time he retained the Member, he provided him with copies of everything he had. He testified that he told the Member the history of the file and stressed the importance to him of obtaining access to the child. He testified that he asked the Member to familiarize himself with the file.
- 27. KC testified that following the unsuccessful attempt to obtain supervised access at the Museum on October 19, 2003, he instructed the Member to go to Court to try and get access for him. KC testified that he wanted to be present at the application, and although he knew the application was coming sometime soon, he was not aware that the matter was scheduled or when the Member appeared in Chambers.
- 28. KC acknowledged that he was aware of the Order granted December 8, 2003, and while he disagreed with the requirement to have an assessment completed, and the denial of his rights to have even supervised access until such an assessment was completed, he took no steps after December 8, 2003, to obtain an assessment, or otherwise regain any rights of access.
- 29. KC testified that he did not become aware of the Order of December 15, 2003, until August 30, 2004, at which time he picked up his file from the Member. He testified that he did not instruct the Member to consent to the Order of December 15, 2003, and he was not advised that the Member was planning to consent to the Order. KC testified that he never would have instructed the Member to consent to such an Order. When he picked up his file, he also saw for the first time the letter of December 8, 2003, requesting the sole custody Order.
- 30. KC testified that he did not receive a copy of, and was not otherwise made aware of the letter requesting the Consent Order for sole custody.

#### TESTIMONY OF THE MEMBER

- 31. The Member testified that he prepared the original application to enforce the Order of June 21, 1996, and supporting Affidavit, and after serving the Notice of Motion and Affidavit on the Solicitor for LP, he was advised by that Solicitor that there was an Order restricting KC's access to supervised access. The Member then withdrew the Motion and the Order was filed by the Solicitor for LP on October 15, 2003.
- 32. The Member agreed that he then assisted KC by attempting to arrange a visit for supervised access, and when that failed, he made an application seeking an Order requiring supervised access which was then met with a cross application to deny access pending completion of the custody and access assessment.
- 33. The Member agreed he had no instructions and, indeed, it was entirely his own idea to offer to the Court at the December 8, 2003 hearing, that costs be in an amount greater than those sought by Counsel for LP.
- 34. The Member agreed that he had no instructions to consent to the Order of December 15, 2003, and he did not seek instructions because he felt the Order was merely perfunctory.
- 35. The Member agreed that he was provided with a copy of the transcript of the proceedings on December 8, 2003. At that hearing the Member stated:
  - "Mr. Collins: My application, My Lord, and Ms. Gosselin is representing the mother. My application on behalf of the father is to enforce an existing order that requires supervised access for the father."
- 36. The Member had that transcript prior to October 13, 2006, and testified that when he stated in his letter to the LSA of that date, "I made a court application on his behalf on December 8, 2003 to enforce access, and hadn't been told by Mr. C that there was an order for supervised access in place", that the words he used were sloppy, and that he should have said "I didn't know before I initiated the application...".
- 37. The Member agreed that his letter of November 2, 2006, was clearly incorrect, but that he should be excused because at the time he wrote the letter, he thought the information was correct. In the letter, the Member actually quotes from the transcript of the Chambers application.

- 38. Once the Member was provided with the transcript of the October 2, 2003 telephone conversation he conceded, without explanation, in his letter of December 29, 2006, to LSA, that he found out about the supervised Access Order as soon as he served the Notice of Motion in September of 2003. In his testimony, however, the Member stated that he should be excused of failing to be candid with the LSA in his letters of October 13, 2006 and November 2, 2006 because, in fact, he never knew of the July 4, 2002 Order as it was not filed.
- 39. The Member testified that he was not sure if his client was present at the hearing on December 8, 2003, but that he did provide a copy of the filed Order of December 8, 2003, to KC.
- 40. The Member testified that he never provided a copy of the December 15, 2003 Order to KC.

## SUBMISSIONS OF COUNSEL

- 41. With respect to Citation 1, Counsel for the LSA submitted that upon review of the transcript of the December 8, 2003 hearing, it was plain that the Member did not have a good handle on what was going on with the file, and that his lack of knowledge allowed Counsel for LP to take over the application with an unfortunate outcome for KC. Counsel for LSA referred the Hearing Committee to Chapter 9, Rule 2 of the Code. The Member submitted that he had prepared an Affidavit for KC, based on his knowledge of the facts, but that once he became aware of the Order requiring supervised access, he assisted the client to try to exercise supervised access and, accordingly, it could not be said that he was inadequately prepared for the December 8, 2003, application.
- 42. With respect to Citation 3, Counsel for the LSA submitted that the Member's comments requesting an increase in the award of costs should be considered from the perspective of how the public would perceive the Member's conduct and the Legal Profession. Counsel for the LSA referred the Hearing Committee to Chapter 1, Rule 3 and Chapter 3, Rule 1 of the Code. The Member argued that the reason he made the comment was because he was embarrassed by the fact that his client had done nothing to exercise access for a long period of time, and that it was an off-the-cuff remark.
- 43. With respect to Citation 2, Counsel for the LSA argued that whether or not the Consent Order affected KC's rights, it was the duty of the Member to carefully review the Order and then check with his client. Counsel for the LSA referred the Hearing Committee to Chapter 9, Rule 5 of the Code. The Member argued that the matter was simply a technical thing, and that as it did not affect the client's rights at all, his conduct could not be deserving of sanction.

- 44. With respect to Citation 4, Counsel for the LSA submitted that the Member's letters to the LSA, made after he had received a copy of KC's letter of complaint, the letter from KC's new lawyer, and the transcript of the December 8, 2003 proceedings, were not a candid response, as they were simply wrong. Counsel for the LSA referred the Hearing Committee to Chapter 1, Rule 6. The Member submitted that the errors in his letters to the LSA were merely wrong dates, and that the mistakes were inadvertent.
- 45. With respect to Citation 5, Counsel for the LSA submitted that the matter turned on the question or credibility. The Member submitted that his statements to the LSA were true, as KC had failed to inform him of the history of the matter.

## **DECISION AS TO CITATIONS**

## CITATION 1

- 46. The Code provides:
  - "A lawyer has a duty to provide informed, independent and competent advice and to obtain and implement the client's proper instructions.
  - Rule 2. Except when the client directs otherwise, a lawyer must ascertain all of the facts and law relevant to the lawyer's advice.
  - C.2 For legal advice to be effective, it must be based on as much information as can reasonably be obtained, keeping in mind the lawyer's obligation to be economical.
  - C.2 Generally, an in-depth knowledge and understanding of a client's affairs facilitates the provision of meaningful and useful advice in most situations involving the client."

It is plain, on reviewing the transcript of the December 8, 2003 proceeding, especially when considered in light of the testimony of KC concerning the background of the matter, that the Member was not adequately prepared to answer the assertions of opposing Counsel during the application, and so he did not do so. The Member's testimony that he was so embarrassed that he offered an increased costs award confirms that he had not prepared himself by ascertaining the facts sufficiently to allow himself to provide informed, independent, and competent advice and representation to KC, or to obtain and implement his client's proper instructions. The result was that the Member's application on behalf of KC was dismissed and an Order granted removing KC's rights to exercise even supervised access pending completion of the access assessment.

47. The Hearing Committee found that Mr. Collins was inadequately prepared for the application heard by Justice Perras on December 8, 2003, and that Mr. Collins was guilty of conduct deserving of sanction in respect of Citation 1.

## **CITATION 3**

- 48. The Hearing Committee reviewed the comments by the Member suggesting to the Court that costs should be awarded against KC in an amount greater than the amount requested by opposing Counsel, and higher than the Court initially suggested. The Hearing Committee was of the view that in some circumstances, there could be a reasonable explanation for Counsel to make such a suggestion, such as if the suggestion were made in the context of an overall strategy with respect to the application. There was, however, no evidence here that the Member had any strategy in making the comments and, indeed, on his own evidence, he testified that he made the comments because he was embarrassed. The Hearing Committee found that the Member's embarrassment flowed from his inadequate preparation for the application.
- 49. The Hearing Committee found that the Member's conduct in respect of Citation 3 were therefore subsumed in the conduct alleged in Citation 1, and on that basis, dismissed Citation 3.

## **CITATION 2**

- 50. Chapter 9, Rule 5 Commentary provides:
  - "C.5 Assuming that there are no practical exigencies requiring a lawyer to act for a client without prior consultation, the lawyer must consider before each decision in a matter whether and to what extent the client should be consulted or informed. Even an apparently routine step that clearly falls within the lawyer's authority may warrant prior consultation, depending on circumstances such as a particular client's desire to be involved in the day-to-day conduct of a matter."
- 51. It is obvious that this matter related to a dispute about custody and access, and that KC was concerned about these matters.
- 52. The Hearing Committee agreed that there are matters which are purely perfunctory, and upon which Counsel is entitled to act without specific instructions from his or her client.
- 53. Reading together the Order of June 21, 1996, the letter of December 8, 2003, and the Order of December 8, 2003, the Hearing Committee was not of the view that the Order consented to was merely perfunctory. The letter and Order of December 8, 2003, as drafted created, at best, confusion as to the status of KC's

- rights to custody.
- 54. In all of the circumstances, the Hearing committee was of the view that consenting to the Order did not fall within the Member's express or implied authority, and that the Member should have advised KC and sought his instructions concerning the Order.
- 55. The fact that the Order was being sought to allow LP to take the child across the border was a factor that might have been of interest to KC, and of which he should have been informed.
- 56. The Hearing Committee found that Mr. Collins agreed to the consent Order without his client's instructions or consent, and found that Mr. Collins was guilty of conduct deserving of sanction in respect of Citation 2.

## **CITATION 4**

- 57. Statements made by the Member to the LSA in his letters of October 13, 2006, and November 2, 2006, were wrong. The provision of erroneous information in response to a request from the LSA is a failure to be candid where there is no reasonable explanation provided.
- 58. The Member acknowledged that he had a copy of the transcript of the December 8, 2003 proceedings prior to sending either of the letters to the LSA. A review of that transcript, especially when considered in light of the Member's actions in respect of KC, left the Hearing Committee to speculate as to the Member's reasons for making the strong statements that he did in the two letters, and the explanation he offered in his letter of December 29, 2006, when faced with a transcript of the October 2, 2003, telephone conversation.
- 59. Having considered all of the evidence, the Hearing Committee was not satisfied on the balance of probabilities that the errors contained in the letters from the Member to the LSA were merely the result of an inadvertent mistake or mistakes by the Member.
- 60. The Hearing Committee found that as no reasonable explanation had been offered by the Member for the misleading information that he had provided, that Mr. Collins had failed to be candid with the LSA, and that Mr. Collins was guilty of conduct deserving of sanction in respect of Citation 4.

## **CITATION 5**

- 61. The Hearing Committee found that the Member did not know of the supervised Access Order until after he served the first Notice of Motion in September of 2003. In his letter to the LSA, he stated:
  - "Concerning the costs, I was so embarrassed and frustrated by bringing this application before the court without having been accurately informed of the history of the matter by my client, that I just said what I thought was fair in the circumstances, without giving any thought of my duty to my client to argue against costs."
- 62. There was no evidence that KC, in any manner, misled or attempted to mislead the Member, and it was the Member's duty to investigate facts, question his client, and otherwise prepare himself for the application. However, on the balance of probabilities, the Hearing Committee was of the view that the Member's statements to the LSA in this regard were not of such a nature or offered in such circumstances as to amount to a failure to be candid with the LSA.
- 63. The Hearing Committee dismissed Citation 5.

#### SANCTION

- 64. The Member is 76 years old and has a lengthy discipline record. His most recent conviction in June of 2007 resulted in a suspension of one year. Following his suspension in June of 2007, the Member turned his files over to another law firm, however, he has one remaining litigation file where he has been unable to obtain replacement Counsel to prosecute the lawsuit. The Member is planning to seek reinstatement following the expiry of his current suspension in order to complete that lawsuit.
- 65. Counsel for the LSA submitted that a conviction for Citations of this nature as a first offence for a junior lawyer would warrant no more than a reprimand, and perhaps a small fine. In the circumstances here, however, given the Member's record, the need to specifically deter the Member, the fact that he is currently under suspension, and especially because he stands convicted of failing to be candid with the LSA which is conduct which raises questions concerning the LSA's ability to govern the Member, that the Member ought to be disbarred.

66. The Member submitted that the seriousness of the charges should be considered in context. The Member submitted that his failure to be candid with the LSA was the result of carelessness, and that his client's rights were not affected when he signed the Consent Order without his client's knowledge and consent. The Member submitted that the fact that KC has taken no steps to complete the assessment contemplated in the Access Orders should be considered. The Member submitted that the important preparation with respect to the application was the preparation the Member showed when arranging the aborted supervised access visit. The Member submitted that his client was well served in those circumstances, and notwithstanding his record, the appropriate sanction was a reprimand.

## **DECISION AS TO SANCTION**

67. The Hearing Guide, Paragraph 51, provides:

"The primary purpose of disciplinary proceedings is found in section 49(1) of the Legal Profession Act: (1) the protection of the best interests of the public (including the members of the Society) and (2) protecting the standing of the legal profession generally. The fundamental purpose of the sanctioning process is to ensure that the public is protected and that the public maintains a high degree of confidence in the legal profession."

68. The Hearing Guide, Paragraph 77, provides:

"The ability of the Law Society to govern the profession is essential. Without that ability, the self-governing aspect of the profession is put at risk. Various types of conduct undermine the ability to govern the profession. These include (but are not limited to):

- failing to respond to those involved in the Law Society process
- failing to be candid with those involved in the Law Society process
- failing to cooperate with those involved in the Law Society process
- breaching an undertaking given to those involved in the Law Society process".

- 69. The Member has a significant and serious record. A common thread underlying and running through many of the charges on the Member's record are governance related complaints.
  - failing to follow the accounting rules of the Law Society of Alberta January, 1999.
  - failing to follow the accounting rules of the Law Society of Alberta July, 2000.
  - breaching an undertaking given to the Law Society of Alberta July, 2000.
  - failing to comply on a timely basis with the direction of the Hearing Committee – June, 2007.
- 70. The Member is currently under suspension following a conviction on a governance related complaint.
- 71. The Hearing Guide, Paragraph 63, provides:
  - "Law Society of Alberta v. Estrin (1992) 4 Alta. L.R. (3d) 373 (C.A.) at p. 374:
    "...the penalties imposed for conduct deserving of sanction are cumulative and future offences will attract progressively more severe penalties"."
- 72. The Hearing Guide, Paragraph 79, provides:

"Law Society of Manitoba v. Ward, [1996] L.S.D.D. No. 119 at p. 5:

"In our view, the right to practice law carries with it obligations to the Law Society and to its members. The minimum obligations in our view are, compliance with rules and communication with the Society as might reasonably be expected. Ward has persistently failed to comply with the rules and to communicate with the Society. This is all without any explanation or excuse of any kind whatsoever. The justification for self government is at least partly based on the assumption that the Society will in fact govern its members and that members will accept governance. Ward has demonstrated through his behaviours that he does not accept governance."

"We regard this as a serious matter...."

[Mr. Ward was declared to be an ungovernable member and was disbarred. The Law Society of Manitoba adopted this excerpt in another case: Law Society of Manitoba v. Levine, [1996] L.S.D.D. No. 120 in which the solicitor was also disbarred]".

- 73. The Hearing Committee considered the general factors and the specific factors articulated in Paragraphs 60 and 61 of the Hearing Guide. The Hearing Committee agreed that while this conduct is not, on the balance, the most serious type of conduct seen by the Benchers, and not even the most serious type of conduct engaged in by this Member, the difficulty is that the Member's conduct here again points to the inability of the Law Society of Alberta to govern this particular Member.
- 74. The Member's conviction of failing to be candid with the Law Society of Alberta, his failure to provide an explanation for that conduct in a way that addresses the Hearing Committee's concerns as to his governability, and his stated intention to apply for reinstatement raise concerns as to the protection of the public and the maintenance of confidence in the Legal Profession.
- 75. The Hearing Committee considered that the conduct which gave rise to these Citations originated in 2003 and 2004, however, the Member's conduct with respect to his representations to the Law Society occurred in 2006 at a time when, at minimum, the Member was under intense scrutiny by LSA for governance related issues.
- 76. In all of the circumstances, the Hearing Committee was of the view that significant weight had to be given to the factor of incapacitation of the Member through disbarment or suspension.

## SANCTIONS AND ORDERS

- 77. In the circumstances, the Hearing Committee ordered the following sanctions:
  - a) That the Member be disbarred.
  - b) That the Member pay 2/3 of the actual costs of the Hearing.
- 78. The Member was given 90 days from the date that the final amount of the actual costs were delivered to him to pay the costs.

## **CONCLUDING MATTERS**

- 79. The Exhibits and proceedings will be available for public inspection which includes copies of Exhibits for a reasonable copy fee. All documents shall be redacted to exclude the names of anyone other than the Member.
- 80. There will be a Notice to the Profession of the Member's disbarment.
- 81. No referral to the Attorney General is required.

Rodney A. Jerke, Q.C., Bencher
Chair

Neena Ahluwalia, Q.C., Bencher

Larry Ohlhauser, Bencher