

**IN THE MATTER OF PART 3 OF THE
LEGAL PROFESSION ACT, RSA 2000, c. L-8**

AND

**IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF WILFRED WILLIER
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

ORDER OF THE HEARING COMMITTEE

UPON THE ISSUANCE OF CITATIONS by the Law Society of Alberta (LSA) to Wilfred Willier pursuant to section 56 of the *Legal Profession Act* (the *Act*);

AND WHEREAS:

- a) Wilfred Willier signed a Statement of Admitted Facts and Admission of Conduct Deserving of Sanction (the Statement, attached to this Order) in relation to his conduct on February 23, 2021;
- b) Wilfred Willier admits in the Statement that the conduct set out in the Statement is deserving of sanction;
- c) On April 20, 2021, the Conduct Committee found the Statement acceptable, pursuant to section 60(2) of the *Act*;
- d) On May 18, 2021, the Chair of the Conduct Committee appointed a single Bencher as the Hearing Committee (Committee) for this matter, pursuant to section 60(3) of the *Act*;
- e) Pursuant to section 60(4) of the *Act*, it is deemed to be a finding of this Committee that Wilfred Willier's conduct is deserving of sanction;
- f) On June 15, 2021, the Committee convened a public hearing into the appropriate sanction related to the conduct of Wilfred Willier;
- g) Counsel for the LSA and counsel for Wilfred Willier have provided a joint submission on sanction for the Committee's consideration, seeking a reprimand and a fine of \$1,500.00;
- h) The parties have also agreed that it is reasonable for Wilfred Willier to pay \$1,500.00 in costs in relation to this matter;

- i) The Committee has determined that the joint submission is reasonable, consistent with sanctions in similar cases, does not bring the administration of justice into disrepute and is therefore in the public interest;
- j) The Committee has accepted the joint submission on sanction, and accepted the submission with respect to the payment of costs.

IT IS HEREBY ORDERED THAT:

1. The appropriate sanction with respect to Wilfred Willier's conduct is a reprimand, which was delivered orally by the Committee to Wilfred Willier and a fine of \$1,500.00.
2. The text of the reprimand will be attached to this Order as a schedule prior to the Order being published.
3. Wilfred Willier must pay costs in the amount of \$1,500.00.
4. The fine of \$1,500.00 and costs of \$1,500.00 are due and payable by within 30 days of the date of this Order.
5. No Notice to the Profession or Notice to the Attorney General is to be made.
6. The exhibits and this order 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 Wilfred Willier will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3) of the Rules of the LSA).

Dated at Calgary, Alberta, on June 23, 2021.

Ryan Anderson, QC

IN THE MATTER OF THE LEGAL PROFESSION ACT
AND
IN THE MATTER OF A HEARING REGARDING THE CONDUCT OF WILFRED
WILLIER, A MEMBER OF THE LAW SOCIETY OF ALBERTA
LAW SOCIETY HEARING FILE HE20180280

STATEMENT OF ADMITTED FACTS AND
ADMISSION OF CONDUCT DESERVING OF SANCTION

INTRODUCTION

1. I am a practicing lawyer in Alberta. I was called to the bar on July 15, 1994. I am a member of Dene Tha' First Nation.
2. M.D. is 66 years old and worked as a legal assistant for over 13 years. She is a First Nations person. As a child, M.D. attended a Indian Residential School in British Columbia.
3. Between 2012 and 2016/17, I represented M.D. on her claim under the Independent Assessment Process (the "IAP"), which forms part of the Indian Residential School Settlement Agreement (the "IRSSA").

CITATIONS

4. On December 11, 2018, in relation to a complaint filed by M.D. with Law Society, the Conduct Committee Panel referred the following conduct to hearing:
 1. It is alleged that Wilfred Willier failed to provide diligent, timely and competent legal services to his client, M.D., and that such conduct is deserving of sanction;
 2. It is alleged that Wilfred Willier charged legal fees to his client, M.D. that were not fair or reasonable and that such conduct is deserving of sanction; and
 3. It is alleged that Wilfred Willier signed a declaration certifying that he had reviewed the IAP application with his client, M.D., when he had not done so and that such conduct is deserving of sanction.
5. On February 23, 2021, the Pre-Hearing Conference Chair approved the withdrawal of citation 2 and the combination of citations 1 and 3 into one citation as follows:
 1. It is alleged that Wilfred Willier failed to provide diligent, timely and competent legal services to his client, M.D., and signed a declaration certifying that he had reviewed the IAP application with his client, when he

had not done so and that such conduct is deserving of sanction.

ADMITTED FACTS

6. On September 7, 2012, M.D. retained me to represent her on a claim under the IAP.
7. M.D. signed a retainer agreement, dated September 7, 2012, with my firm (the "**Retainer**").
8. I did not meet with M.D. before she signed the Retainer.
9. M.D. also signed an IAP application form, dated September 7, 2012, which had been prepared with the assistance of my staff (the "**Application**").
10. I signed the Application under a statement that reads: "I certify that I have reviewed this completed Application with my client to determine the accuracy of its contents" (the "**Certification**").
11. Contrary to the Certification, I did not meet with M.D. or review the Application with her before signing the Certification. Nor did I speak to Ms. D. directly – whether in-person or by telephone – at any time prior to her claim hearing. I had reviewed the Statement with my staff who prepared it. They reviewed it with M.D.
12. The claim hearing was scheduled for September 23, 2015. At around 10:30 p.m. on September 22, 2015, M.D. missed a phone call from me. This was the first time that I had tried calling M.D. directly. M.D. attempted to call me right back but received no answer. I called back at around midnight, after M.D. had already gone to bed.
13. I first met with M.D. on September 23, 2015, on the morning of the claim hearing. I participated in the claim hearing later that day, which was presided over by an IAP Adjudicator.
14. On July 5, 2016, I participated in a conference call to provide final submissions to the IAP Adjudicator.
15. In a decision dated August 11, 2016, the IAP Adjudicator awarded M.D. \$52,222.00 in compensation.
16. M.D. received notice of the decision directly from the Adjudicator on August 31, 2016. Shortly thereafter, she phoned my office but was not put in touch with me. Instead, an office assistant asked M.D. whether she wanted to appeal the award.
17. M.D. was content with the award and did not appeal the award.

ADMISSIONS

18. I admit the facts herein for the purposes of these proceedings. I admit that I failed to provide diligent, timely and competent legal services to my client, M.D. and signed a declaration certifying that I had reviewed the IAP application with my client, M.D. when I had not done so and that such conduct is deserving of sanction.

ACKNOWLEDGEMENTS

19. I acknowledge that I have had the opportunity to consult legal counsel.

20. I acknowledge that I have signed this Statement of Facts and Admission of Conduct Deserving of Sanction freely and voluntarily.

21. I acknowledge that I understand the nature and consequences of this Admission.

22. I acknowledge that, although entitled to deference, the Hearing Committee is not bound to accept a joint submission on sanction.

DATED THE 23rd DAY OF FEBRUARY 2021.

“Wilfred Willier”

Wilfred Willier

Reprimand

As lawyers, we have the privilege of assisting those who need our help, and oftentimes we are the only source of support.

You come from an Indigenous background and have indicated the service you have given to your community, which is greatly appreciated. However, by taking shortcuts and not communicating fully with your client, you have caused someone additional stress in dealing with a very difficult and sensitive situation.

Life as a lawyer can be busy, and you must ensure you meet your obligation to your client and to the legal system within which you are working. I would urge you to be diligent in communicating with your clients and to ensure you meet your obligations to them.

You knew you had not met with the complainant to sign the IAP, and yet you still signed it. You relied on your staff to do work that should have been completed by yourself. While the practice of law can at times be overwhelming, you must ensure you meet the needs of your client and the code of conduct.

It appears you have learned from this experience, and I hope you will take the time to meet your obligations to each of your clients. I wish you the best as you move forward from these difficult circumstances, and thank you personally for your cooperation and attendance today.