

**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 RONALD S. BILLINGSLEY
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 Ronald S. Billingsley pursuant to section 56 of the *Legal Profession Act* (the Act);

AND WHEREAS:

- a) Ronald S. Billingsley has executed a Statement of Admitted Facts and Admission of Conduct Deserving of Sanction (the “Statement”) attached to this Order in relation to his conduct;
- b) Ronald S. Billingsley admits in the Statement that the conduct set out in the Statement is deserving of sanction;
- c) On May 14, 2019, the Conduct Committee found the Statement acceptable, pursuant to subsection 60(2) of the Act;
- d) On May 21, 2019, the Chair of the Conduct Committee appointed a single Bencher as the Hearing Committee (“Committee”) for this matter, pursuant to subsection 60(3) of the Act;
- e) Pursuant to subsection 60(4) of the Act, it is deemed to be a finding of this Committee that Ronald S. Billingsley’s conduct is deserving of sanction;
- f) On June 24, 2019, the Committee convened a public hearing into the appropriate sanction related to the conduct of Ronald S. Billingsley;
- g) The LSA and Ronald S. Billingsley provided a joint submission on sanction for the Committee’s consideration, seeking a reprimand and a fine of \$2,000.00, payable by June 24, 2020;
- h) The parties have also agreed that it is reasonable for Ronald S. Billingsley to pay \$866.25 in costs in relation to this matter, payable by June 24, 2020;

- 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 Ronald S. Billingsley's conduct is as follows:
 - a. A reprimand, which was delivered orally by the Committee at the hearing, and a fine of \$2,000.00.
2. The text of the reprimand will be attached to this Order as a schedule prior to the Order being published.
3. Ronald S. Billingsley must pay costs in the amount of \$866.25 by June 24, 2020.
4. Ronald S. Billingsley must pay the fine by June 24, 2020.
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 Ronald S. Billingsley will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated at Edmonton, Alberta, on June 24, 2019.

Walter Pavlic, QC, Bencher

APPROVED AS TO FORM AND CONTENT:

Christine Blair, Conduct Counsel
for the Law Society of Alberta

Ronald S. Billingsley

IN THE MATTER OF THE *LEGAL PROFESSION ACT*

**AND IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF RONALD S. BILLINSLEY
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

LAW SOCIETY HEARING FILE HE20190079

**STATEMENT OF ADMITTED FACTS
AND ADMISSION OF CONDUCT DESERVING OF SANCTION**

BACKGROUND

1. I, Ronald S. Billingsley, was admitted as a member of the Law Society of Alberta on November 21, 2011.
2. Since June 2013, I have carried on a family law practice in Edmonton, Alberta as sole practitioner.

CITATIONS

3. I am facing three citations arising from S.M.'s complaint to the Law Society, as follows:
CO20172230

It is alleged Ronald S. Billingsley was not completely forthright with his client, S.M., and that such conduct is deserving of sanction;

It is alleged that Ronald S. Billingsley sought legal fees from his client, S.M., that were not disclosed in a timely or reasonable manner and that such conduct is deserving of sanction.

It is alleged Ronald S. Billingsley communicated with his client, S.M., in a manner that lacked courtesy, civility, and professionalism and that such conduct is deserving of sanction; and

4. I am facing three citations arising from a complaint initiated by the Law Society, as follows:

CO20181219

It is alleged Ronald S. Billingsley failed to be candid during a Fee Review Hearing and that such conduct is deserving of sanction;

It is alleged Ronald S. Billingsley failed to serve his client's best interests and that such conduct is deserving of sanction; and

It is alleged Mr. Billingsley charged his client, C.B., legal fees that were neither fair nor reasonable and that such conduct is deserving of sanction.

AGREED FACTS

5. I was retained by S.M. in January 2017 to represent her in divorce proceedings, in particular, issues related to custody and property division. At that time an Order was in place, being granted on December [...], 2016, that set out the father's parenting time with the child of the marriage.
6. On March [...], 2017 the Court heard an Application by S.M. to amend the December [...], 2016 Order by changing the father's parenting time. The Application was dismissed but the Court ordered counsel to schedule a viva voce Special Chambers Hearing to determine the parenting issue. The Order granted that day was subsequently filed on April [...], 2017 and contained a term that barred interim Applications save for emergent matters. Counsel eventually scheduled the viva voce hearing for September [...], 2017.
7. On March [...], 2017 I filed an Application on behalf of S.M. seeking a Right of First Refusal, prior to the March [...], 2017 Order being filed. The Application was heard on April [...], 2017. I inadvertently overlooked the term that barred interim Applications save for emergent matters when I filed an Application on behalf of S.M. and it was not my intention to mislead the Court. The Application was dismissed with \$750.00 in costs ordered against S.M.
8. On April 26, 2017 I emailed S.M. and informed her that the Application was denied because the Justice objected to Right of First Refusal Applications, therefore there was no hope of success even before the Application was heard.
9. I later acknowledged my error to S.M. regarding the Application and I provided her with a sufficient credit in my legal fees to cover my time and the costs awarded against her.

10. On April 27, 2017 I emailed S.M. and advised her that I required \$10,000.00 for the September [...], 2017 hearing.
11. On June 12, 2017 I emailed S.M. and advised her that I required \$10,000.00 for the hearing on September [...], 2017.
12. On June 15, 2017 I emailed S.M. advising her that because she had used another lawyer to draft an Affidavit I would reduce my fees to \$8,000.00 for the September [...], 2017 hearing. On August 5, 2017 I emailed S.M. and quoted her \$8,000.00 for the upcoming hearing.
13. S.M. gave me an \$8,000.00 retainer approximately one week before the viva voce hearing scheduled for September [...], 2017.

14. On August 28, 2017 I sent two emails to S.M. in which I asked for an additional \$4,200.00 because I under quoted her for the costs of the September [...], 2017 hearing. On August 28, 2017 I sent another two emails to S.M. advising that without the \$4,200.00 I would be compelled to withdraw. I had mistakenly under-quoted her my fees for the hearing.
15. Prior to the hearing on September [...], 2017 S.M. gave me \$1,500.00.
16. I represented S.M. at the September [...], 2017 hearing without having received the full retainer.

17. On September 16, 2017 I emailed S.M. and informed her that \$2,662.62 was still owing on her account.
18. On September 19, 2017 S.M. emailed me her comments on the form of Order granted on September [...], 2017. We subsequently exchanged numerous emails on this issue. In one email S.M. wrote: "you did go to bat for me". I acknowledge some of the comments I made to S.M. in these emails were lacking in courtesy, civility, and professionalism.

19. C.B. retained me in September 2016 to represent her in divorce proceedings. At the time an Order was in place that granted her spouse primary care of the children. A trial was scheduled for December 2017. Prior to the trial the spouses entered into settlement negotiations and executed the Minutes of Settlement and Matrimonial Property Agreement (Property Agreement) dated January 10, 2017 and the Minutes of Settlement of Divorce and Corollary Relief (Divorce Agreement) dated October 11, 2017.
20. I withdrew from representation in mid-October 2017.
21. On February 1, 2018 C.B.'s new counsel served me with an Appointment for Review of the legal fees I charged C.B.
22. An initial Fee Review hearing took place on February [...], 2018. During the hearing I informed the Review offices approximately four times that I had full financial disclosure from C.B.'s spouse prior to the execution of the Property Agreement. My statements were based on an initial mistaken belief that I had disclosure following a review of the client ledger.
23. A second Fee Review hearing took place on March [...], 2016 [sic]. At this hearing I acknowledged that my statements at the previous hearing that I had full financial disclosure from C.B.'s spouse prior to the execution of the Property Agreement were mistaken.

24. I acknowledge that I assisted C.B. in executing the Property Agreement without having her spouse's full financial disclosure.
25. I acknowledge that I assisted C.B. in executing the Divorce Agreement in which she agreed not to apply to vary the provisions of the current Parenting Order. On October 14, 2017 I commenced efforts to apply for a variation of the Parenting Order on behalf of C.B.
26. I acknowledge that I assisted C.B. in executing the Property Agreement in which she acknowledged she was neither under duress nor undue influence and voluntarily entered into the agreement.
27. I acknowledge that I assisted C.B. in executing the Divorce Agreement in which she acknowledged she was neither under duress nor undue influence and voluntarily entered into the agreement.
28. I swore an Affidavit on January 11, 2018 attesting that C.B. signed the Divorce Agreement under duress. I did this in an attempt to assist my former client and in no way did I intend to be misleading or dishonest.

29. On March [...], 2018 the Review Officer issued his decision and reduced the legal fees C.B. paid me from \$23,997.50 to \$10,000.00. He granted C.B. \$1,100.00 in costs.
30. I appealed this decision and the matter was heard on February [...], 2019. My appeal was not successful and \$500.00 in costs were directed against me. I have paid C.B. the monies owed to her.

ADMISSION OF FACTS

31. I, Ronald S. Billingsley, admit as facts the statements contained in this Admitted Statement of Facts for the purposes of these proceedings.

ADMISSION OF CONDUCT DESERVING OF SANCTION

32. For the purposes of s. 60 of the *Legal Profession Act*, I, Ronald S. Billingsley, admit to the citations listed above.

This Statement of Admitted Facts and Admission of Conduct Deserving of Sanction is dated the 1st day of May, 2019.

Witness

"Ronald Billingsley"
Ronald S. Billingsley

Reprimand

[Slight edits made for clarity]

As you know, you entered into a very honourable calling when you decided to become a lawyer. What lawyers hold, in the eyes of their clients and the public generally, is really almost a sacred trust that we are going to do things properly, we are going to be courteous, we are going to be respectful, and we are not going to try to take advantage of them or take advantage of the Court or anything along those lines.

I have read through the materials, and while I don't have any particulars, I do note that there are comments and findings that you were rude to your clients. There are comments related to inadvertence and mistaken belief on your part on several occasions. That is just not an acceptable standard in which to practice. I think you have come to that realization now; I certainly hope you have.

The area you practice in, family law in particular, is a treacherous one. People are highly charged emotionally. They have agendas sometimes that don't necessarily align with the best interests of anyone, not even themselves. And by acting as you have, you have failed your client, you have failed yourself, and you have failed your profession, and that is unacceptable. It cannot be condoned or countenanced in any way.

The big question here, which has been partially answered by LSA counsel, is what are you going to do to improve and how do you move forward? You have to take the perspective that you are on a journey of continuous improvement at this point. I'm glad to hear you are in Practice Management. That is an excellent, excellent resource and tool, and I encourage you to pursue that.

I also encourage you to pursue the help of the Law Society in any other way, a practice advisor if required. I think it would be useful for you, as a sole practitioner, to reach out and join whatever other associations or create alliances with other sole practitioners so you are not stuck in your own cell, so to speak. It's important to reach out, whether it's the CBA Family Law Section, or whether it is any other related family law process, LESA courses, or whatever.

As you probably are aware, the biggest area that we have difficulty with in terms of the demographic of lawyers is in the sole practitioner area because quite often you are left alone, you don't have anyone to seek any guidance or advice from, and you may take a path that would have been different had you been able to consult with someone. So I encourage you to consult and I hope you learn a lot from every file you work on.

What we are really looking for here is a fundamental shift in the way that you practice law to make sure that you uphold your oath, clients can rely on you and you are doing the best job you possibly can for your clients. This has been an expensive lesson for you, no doubt, and one that you don't want repeated, and certainly one that we don't want to see you back here on. My fundamental message to you is that this has to be a fundamental shift, and you have to be on a journey of continuous improvement to make sure that this never happens again.