

**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 PETER MAWSON
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 Peter Mawson pursuant to section 56 of the *Legal Profession Act* (the *Act*);

AND WHEREAS:

- a) Peter Mawson 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 August 21, 2020;
- b) Peter Mawson admits in the Statement that the conduct set out in the Statement is deserving of sanction;
- c) On October 20, 2020, the Conduct Committee found the Statement acceptable, pursuant to subsection 60(2) of the *Act*;
- d) On December 8, 2020 the Chair of the Conduct Committee appointed a single Benchler 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 Peter Mawson's conduct is deserving of sanction;
- f) On February 5, 2021, the Committee convened a public hearing into the appropriate sanction related to the conduct of Peter Mawson;
- g) Counsel for the LSA and Peter Mawson have provided a joint submission on sanction for the Committee's consideration, seeking a reprimand;
- h) The parties have also agreed that it is reasonable for Peter Mawson to pay \$1,851.25 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 Peter Mawson's conduct is a reprimand, which was delivered orally by the Committee to Peter Mawson.
2. The text of the reprimand will be attached to this Order as a schedule prior to the Order being published.
3. Peter Mawson must pay costs in the amount of \$1,851.25 by the time of his reinstatement.
4. No Notice to the Profession or Notice to the Attorney General is to be made.
5. 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 Peter Mawson will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated at Calgary, Alberta, on February 5, 2021.

ROBERT PHILP, QC

IN THE MATTER OF THE *LEGAL PROFESSION ACT*

**AND IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF PETER J. MAWSON
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

LAW SOCIETY HEARING HE20200052

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

BACKGROUND

1. I, Peter J. Mawson, was admitted as a member of the Law Society of Alberta on June 10, 2005.

CITATIONS

2. I am facing one citation arising from a complaint by J.M., it is, as follows:

It is alleged Peter J. Mawson failed to provide thorough, timely, and diligent legal services to his client, J.M., and that such conduct is deserving of sanction.

ADMITTED FACTS

3. In February 2011 I was retained by J.M. to assist her with two interrelated matters, one was a family law matter and the second was a civil claim which subsequently involved a debt matter pursued by the Bank of [S] ("the Bank").
4. In early 2011 the Bank commenced proceedings to obtain outstanding payments from J.M. On February 4, 2011 J.M. received notice from counsel for the Bank that approximately \$48,000.00 was outstanding due to default of loan payments. The Bank demanded this amount plus interest be paid by February 22, 2011 or legal proceedings would ensue, including seizure of farm equipment that formed part of J.M.'s business.
5. On February 7, 2011 J.M. emailed me advising she wanted to seek the return of some farm equipment from the Defendants named in her civil claim so she could sell these assets herself. She forwarded me the bank's February 4, 2011 demand letter. She also advised she wanted to negotiate with the bank to obtain more time. J.M. informed the

Bank she had retained counsel and provided me with additional correspondence she had with the bank on February 23, 2011.

6. I met with J.M. on February 25, 2011. She emailed me on March 7, 2011 requesting that I confirm I had contacted the Bank and was proceeding with the Application to obtain the farm equipment from the Defendants.
7. On March 17, 2011 counsel for the Bank emailed me about the sale of the assets and a proposal, but I did not reply to this enquiry.
8. On May 23, 2011 J.M. emailed me about the farm equipment. On July 5, 2011 she emailed me with instructions to file an Application for the return of the farm equipment so she could settle the matter with the Bank. She confirmed these instructions in a July 12, 2011 email.
9. On July 5, 2011, the Bank had appointed a Receiver and on July 18, 2011 and July 22, 2011, J.M. received a Notice of Intent to Dispose of Collateral and a Warrant to Seize some of the farm equipment. She provided those documents to me on those same days requesting that I deal with the matter.
10. On August 26, 2011 J.M. sent my assistant an email, outlining her understanding that I had informed counsel for the Bank of her intention to utilize an auctioneer and that the Bank had agreed to co-operate. I did not communicate with the bank between April and August 2011. Certain items of equipment were seized and subsequently sold.
11. On August 27, 2011 J.M. emailed me advising she wanted an Order to get the remaining equipment and did not wish to negotiate on this issue.
12. On August 30, 2011 counsel for the Bank emailed me with a Notice of Intent to Dispose of Collateral. He referred to J.M.'s previous indications she would work with the Bank and therefore attached a consent for her to sign to allow the sale of the assets.
13. On September 6, 2011 I sent a letter to the Bank's counsel requesting paperwork on the sale and confirming J.M.'s intent to cooperate in the matter.
14. On September 7, 2011 I sent an email to J.M. advising I had left an enquiry with the Bank as to the outstanding loan and spoke with the Defendants' counsel.
15. On September 28, 2011 the Bank's counsel emailed me stating that further to his voice mail messages he was awaiting a letter confirming J.M.'s approval of the sale price of additional farm equipment. He advised that if there was no written proposal this week to satisfy the debt, he would be commencing an action for the full amount.
16. On October 12, 2011 I emailed counsel for the Bank giving J.M.'s consent to sell some farm equipment.
17. On October 13, 19, and 26, 2011 the Bank's counsel emailed me advising that if the outstanding balance or an acceptable payment proposal was not received by November 2, 2011 they would pursue an action against J.M.

18. On January 12, 2012 the Bank filed a Statement of Claim against J.M. that was served at my firm on February 1, 2012. On February 10, 2012 an associate at my firm filed and served J.M.'s Statement of Defense and a Third Party Claim against the Defendants.
19. On February 15, 2012 counsel for the Bank requested that he be kept informed as to any response on the Third Party Claim. On April 16, 2012, he followed up stating that a Summary Judgment application would be brought unless the matter was resolved with the Third Parties.
20. On May 15, 2012 the Bank filed a Summary Judgment Application seeking approximately \$30,432.00 from J.M. It was sent to me on May 16, 2012. I emailed J.M. about the Application on May 30, 2012 and informed her that I had been trying to get the Bank to give me more time to resolve the matter with the Defendants, but they appeared to be no longer prepared to do so. I had not contacted the Bank requesting more time to resolve the matter. On June 1, 2012 the Bank was granted an Order of Judgment against J.M. for \$30,432.00 plus interest.
21. On June 18, 2012 J.M. emailed me, informing me that the Bank had registered a Writ on one of her properties adding it was her belief this had been already been handled.
22. On July 31, 2012 counsel for the Bank wrote to me enquiring into J.M.'s intention to pay the Judgment and requesting she complete and return an enclosed Statutory Declaration setting out her assets. I did not reply to that correspondence. I did not provide J.M. with the Statutory Declaration until October 22, 2012.
23. On September 4, 2012 the Bank's counsel followed up with me enquiring as to when J.M. would return the completed Statutory Declaration, stating he would bring an Application to Court if I did respond within one week. I did not respond.
24. On September 17, 2012 counsel for the Bank served me with an Application returnable October 4, 2012 to compel J.M.'s completion and delivery of the Statutory Declaration. The Bank was successful, and I was served with the Order on October 9, 2012 that directed J.M. to provide the Statutory Declaration no later than October 19, 2012. On October 22, 2012, the Bank's counsel contacted me, asking me whether it would be necessary to bring a contempt of court application. I provided J.M. with the Statutory Declaration to complete on October 22, 2012 and provided the completed document to the Bank on October 25, 2012.
25. On October 25, 2012 counsel for the Bank responded to me, stating in part as follows:

... it seems remarkable to me that your client has not made some type of proposal to satisfy the judgment we have obtained considering that we can now garnishee her wages and seize assets, the cost of doing so would be considerable. I have reported to the bank on the Statutory Declaration and would expect such instruction in the very near future if your client has not made a very significant and attractive proposal.
26. I did not provide J.M. with this correspondence.

27. J.M. was not aware until being advised by her employer on November 28, 2012 that the bank had filed a Garnishee Summons on November 5, 2012 in the amount of \$32,216.85. She contacted me upon receiving notification of the Garnishee Summons.
28. J.M. paid the remaining amount of the Judgment on January 25, 2013.

ADMISSION OF FACTS

29. I, Peter J. Mawson, admit as facts the statements contained in this Admitted Statement of Facts for the purposes of these proceedings.

ADMISSION OF CONDUCT DESERVING OF SANCTION

30. For the purposes of s. 60 of the *Legal Profession Act*, I, Peter J. Mawson, admit to the citation listed above.

This Statement of Admitted Facts and Admission of Conduct Deserving of Sanction is dated the 21 day of August, 2020.

Witness

"Peter Mawson"
Peter J. Mawson

Reprimand

Mr. Mawson, I take into account your cooperation with the Law Society throughout this matter. I take into account your apology to the client that was affected by these matters. I think from previous matters, you know how important the integrity of the profession is and how important it is that we deliver services to the public in a timely and competent way. You have acknowledged that you failed to do that in these circumstances.

Your conduct in this matter is not certainly the most outrageous conduct that the Law Society has seen, or this benchers has seen, but I do want you to know that upholding the integrity of the profession is important for all of us. You failed to do that. You failed to meet your obligations to your client, to the profession, and to the members of the public in general, and for that I issue this reprimand.

And I don't know what's in your future, sir, but whatever it is, I wish you well with respect to those activities. And you have some major hurdles to overcome should you seek readmission to the Law Society, and that will be a process that you'll have to engage in if you wish to come back, sir. And it won't be an easy process, I can tell you that. But I congratulate you for how you have dealt with this particular matter and brought it to a speedy resolution, and it's an appropriate resolution, and I wish you well with that.