



December 14, 2005

NOTICE TO THE PROFESSION

NOTICE TO: All Active Members and Students-at-Law,
All Executive Directors of other Law Societies in Canada,
All Justices of the Court of Appeal and Court of Queen's Bench,
All Judges of the Provincial Court of Alberta,
All Masters in Chambers,
All Clerks of the Court

Disbarment

SPECIFICS:

On December 14, 2005, a Resignation Committee appointed by the Benchers of the Law Society of Alberta granted the application of **Mr. Warren J.M. Yake** to resign, pursuant to Section 61 of the *Legal Profession Act*, R.S.A. 2000, c. L-8, effective immediately. Mr. Yake is therefore disbarred. Mr. Yake resides in Edmonton and practised in Edmonton as a sole practitioner until February 27, 2003, when he elected to become inactive following the commencement of an investigation by the Law Society.

Mr. Yake faced seven citations at the time of his resignation application. He admitted the following specifics related to those citations and admitted his conduct was deserving of sanction:

- He misappropriated trust funds in 13 instances from clients by creating documents and ledger entries on the client files suggesting he had loaned money to the clients, when he had not.
- He misappropriated trust funds in 22 instances where he issued a trust cheque to his firm, in payment of fees and disbursements on a file, prior to receiving any settlement funds in the matter and without holding any trust funds to the credit of the file.
- During the course of the investigation of these matters by the Law Society of Alberta he lied to the investigators.
- In some specific cases, upon issuing his final statement of account on a matter, he deceived his client regarding the retainer letter, settlement date, amount offered by the insurance company, amount of the settlement, and/or the allocation of the settlement proceeds
- In some specific cases he overcharged clients by inflating taxable costs in a matter and/or charging agency and internal costs as disbursements.

- In some specific cases he breached trust conditions imposed upon him by disbursing trust funds prior to meeting the trust conditions.
- In some specific cases he failed to serve clients by not paying them their share of the settlement proceeds expeditiously.

Mr. Yake provided a written undertaking agreeing to cooperate with the Law Society regarding any future claims against him or the Assurance Fund and agreeing to pay any deductible related to any insurance claim paid by the Law Society insurer

The Committee imposed the following conditions upon Mr. Yake that must be met prior to any application for re-enrolment:

- a That he pay all outstanding cost, fines or other amounts due to the Law Society;
- b That he maintain ongoing compliance with his Undertaking; and
- c That he present evidence acceptable to the Law Society that he has not used any illegal substances for a period of 12 months immediately prior to his application for re-enrolment.

The Committee directed that Mr. Yake pay the actual costs, estimated to be the sum of \$3,814.55 which costs are to be paid by February 28, 2006.

The Committee further directed, in accordance with Section 78(5) of the *Legal Profession Act*, that the Executive Director refer this matter to the Minister of Justice and Attorney General.

Mr. Yake made private arrangements to transfer his practice to:

Timothy R. Wood
Wood Godfrey
Barristers & Solicitors
690, 10020 – 101A Avenue
Edmonton, AB T4J 3G2

Phone: 780-423-0266

Donald F. Thompson, Q.C.
Executive Director
Law Society of Alberta

