Law Society File No.: **HE20090018**

IN THE MATTER OF THE *LEGAL PROFESSION ACT*
AND
IN THE MATTER OF A HEARING REGARDING THE CONDUCT OF NANCY PEARSON, A MEMBER OF THE LAW SOCIETY OF ALBERTA

The Panel:

James Eamon, Q.C., Chairperson
Kevin Feth, Q.C.
Miriam Carey, Ph.D.

Counsel Appearances:

Janet Dixon, Q.C., for the Law Society of Alberta
Phil Lister, Q.C., for Nancy Pearson

Date and Place of Hearing:

May 16, 2011
Edmonton, Alberta

REPORT OF THE HEARING COMMITTEE

I. INTRODUCTION

1. Nancy Pearson (sometimes referred to as the "Member") is subject to conduct proceedings under the *Legal Profession Act*, R.S.A. 2000, c. L - 8 on the following citations:

   1. IT IS ALLEGED that you failed to follow your client's instructions, and that such conduct is conduct deserving of sanction.

   2. IT IS ALLEGED that you, upon receiving instructions to obtain the investors' permission prior to discharging their Caveats, failed to disclose that you had discharged several Caveats, and that such conduct is conduct deserving of sanction.

   3. IT IS ALLEGED THAT you failed to provide conscientious, diligent and efficient services to your client, and that such conduct is conduct deserving of sanction.

4. IT IS ALLEGED THAT you failed to respond on a timely basis to communications from the Complainant that contemplated a reply, and that such conduct is conduct deserving of sanction.

5. IT IS ALLEGED THAT you misappropriated or wrongfully converted money entrusted to you or received in your capacity as a barrister and solicitor, and that such conduct is conduct deserving of sanction.

6. IT IS ALLEGED THAT you failed to replace trust funds for almost a year after a trust shortage occurred, and that such conduct is conduct deserving of sanction.

7. IT IS ALLEGED THAT you breached the accounting Rules of the Law Society of Alberta, and that such conduct is conduct deserving of sanction.

2. During the hearing, citation 7 was amended to read as follows:

7. IT IS ALLEGED THAT you breached your trust obligations and the accounting Rules of the Law Society of Alberta, and that such conduct is conduct deserving of sanction.

3. The Hearing Committee received and accepted an admission of guilt, accepted a joint submission on sanction, imposed a suspension and directed that the Member pay costs fixed at $3601.50 by December 1, 2011.

4. The Member was present throughout the hearing and represented by counsel. At the conclusion of the hearing, the Hearing Committee provided oral reasons, and indicated that a written report of the proceedings would be provided in due course in which it would outline all the considerations which led it to conclude why the sanction was appropriate. This is the written report. It is consistent with and expands on the oral remarks.

II. JURISDICTION

5. Jurisdiction is dependent on the existence of citations directed by the Conduct Committee of the Law Society of Alberta against a member of the LSA and the appointment of the Hearing Committee members by the Chair of the Conduct Committee.

6. These jurisdictional requirements were established through Exhibits 1 through 4. Both counsel for the Law Society of Alberta and for the Member agreed that the Hearing Committee had jurisdiction to hear the matter.

7. The Hearing Committee determined that it did have jurisdiction to hear the matter.

8. Counsel for both the Law Society of Alberta and for the Member were asked whether there was any objection to any of the members of the Hearing Committee based on bias, apprehension of bias or any other reason. No objection was made.

III. PRIVATE HEARING MATTERS

9. When the hearing commences, the chairperson of a hearing committee must invite applications to have the whole or part of the hearing held in private (LPA, s. 78; *Rules of the Law Society of Alberta* (the "Rules"), R. 98).

10. Certain individuals were required to receive a private hearing notice, and the Law Society of Alberta exercised its discretion to issue a private hearing notice to other individuals (persons who are or may be an interested party) (Exhibit 5). The Hearing Committee was advised by Law Society's counsel that none of the notice recipients asked that the matter be heard in private. Counsel for both sides agreed that the hearing should be held in public.

11. The oral hearing proceeded in public.

12. The Hearing Committee directs that any third party names and client names be redacted from the Hearing Committee report, the transcript of proceedings and the exhibits filed in the proceedings prior to any publication thereof or public access thereto. This direction extends to identifying personal information.

13. Hearings ought to be conducted in public unless a compelling privacy interest requires protection, and then only to the extent necessary: Hearing Guideline dated February 2005 (reformatted December 2008) (The "Hearing Guideline"). Protection of solicitor and

client privilege is a compelling privacy interest. The privilege extends to the identity of the client. Sometimes, disclosure of third party names together with the context of the complaint would amount to disclosure of the client's identity to persons having a basic level of knowledge of the matter. The Hearing Committee concluded that the direction concerning the record was necessary to protect solicitor and client privilege.

IV. EXHIBITS

14. The Hearing Committee received and entered into the record Exhibits 1 through 30.

V. FINDINGS OF FACT – CONDUCT DESERVING OF SANCTION

15. The parties tendered an Admission of Facts and Guilt (Exhibit 27). The Member admitted guilt on citations 1, 2, 3, and 7 (proposed to be amended to the form described in paragraph 2 above). The Law Society advised that if the proposal was accepted, it did not intend to submit evidence on citation 4 because the substance thereof was mainly subsumed in citation 3, nor on citations 5 and 6 because the elements of conduct described in those citations which were of concern to the Law Society would be subsumed in amended citation 7.

16. The Admission of Facts and Guilt was as follows:

> **GENERAL BACKGROUND**
>
> 1. Nancy Pearson is a member of the Law Society of Alberta, having been admitted to membership on August 31, 1992. At all times relevant to these citations, the [sic] Ms. Pearson practiced with the firm of Evans Pearson in Edmonton, Alberta.
>
> 2. These citations arise from two client complaints and a Law Society audit. Ms. Pearson was referred to Practice Review pursuant to section 58 of the *Legal Profession Act* concurrently with the direction of Citations 1 and 2.
>
> 3. Ms. Pearson tenders these admissions of fact in support of her acknowledgement of guilt of Citations 1, 2, 3 and amended Citation 7. Ms. Pearson and Law Society counsel jointly submit the appropriate sanction for these four matters is a suspension of four months. Upon the Hearing Committee

accepting the admission of guilt and joint submission on sanction the Law Society will not be pursuing Citations 4 through 6.

CITATIONS

CITATION 1

IT IS ALLEGED THAT you failed to follow your client's instructions, and that such conduct is conduct deserving of sanction.

CITATION 2

IT IS ALLEGED THAT you, upon receiving instructions to obtain the investors' permission prior to discharging their Caveats, failed to disclose that you had discharged several Caveats, and that such conduct is conduct deserving of sanction.

4. On December 12, 2007 Brent Mielke, a lawyer in Edmonton, complained about the conduct of Ms. Pearson. Ms. Pearson was retained to represent a developer, A. Co., and two investors, J.K. and T.B., who lent money to A. Co. for the building of a residential development. As part of her retainer, Ms. Pearson agreed to place Caveats in favour of J.K. and T.B. on 12 lots in a residential development as security for their loan to A. Co. in the sum of $165,000.

[Exhibits 6 and 13]

5. Ms. Pearson was also acting for A. Co. A. Co. only instructed Ms. Pearson to register Caveats against 8 of the lots. Ms. Pearson prepared the 8 Caveats and signed them as agent for J.K. and T.B. on February 3, 2006. The Caveats were registered on the 8 titles. Ms. Pearson did not advise J.K. and T.B. that A. Co. had not instructed her to register the remaining 4 Caveats.

[Exhibit 6, Tab 1]

6. On February 14, 2007 Ms. Pearson registered a Discharge of Caveat on the caveat placed on Lot 12. Ms. Pearson signed the Discharge as agent of A. Co. Ms. Pearson admits she did not have any instructions from J.K. to register the discharge and acknowledges that A. Co. had no authority to discharge the Caveat filed in favour of J.K. and T.B.

[Exhibit 6, Tab 4F]

7. On February 24, 2007 Ms. Pearson registered a Discharge of Caveat of the caveat placed on Lot 10. Ms. Pearson signed the Discharge of Caveat with no reference to whom she was acting as agent for, but acknowledges that her signature had the effect of representing her to act as agents of J.K. and T.B. Ms.

Pearson admits she did not have any instructions from J.K. to execute or register a discharge and admits that she acted on the instructions of A. Co.

[Exhibit 6, Tab 4D]

8. On February 26, 2007 J.K. wrote to Ms. Pearson regarding the Caveats on Lots 2, 3, 4, 7, 8, 10 and 11 and specifically instructed her not to sign any discharges of the caveats on his behalf. On March 6, 2007 J.K. wrote a further letter to Ms. Pearson confirming a telephone conversation in which Ms. Pearson acknowledged the instructions she received on February 26, 2007.

[Exhibit 6, Tabs 2 & 3]

9. Ms. Pearson admits that during her telephone conversation with J.K. prior to March 6, 2007 she was aware she had already discharged two of the caveats in which J.K. had an interest without his instructions and that she choose [sic] not to not disclose that information to J.K.

10. On May 11, 2007 Ms. Pearson registered a Discharge of Caveat of the caveat placed on Lot 7. Ms. Pearson signed the Discharge as agent of A. Co. Ms. Pearson admits she did not have any direct instructions from T.B. or J.K. to register the discharge and acknowledges that A. Co. had no authority to discharge the Caveat filed in favour of J.K. and T.B.

[Exhibit 6, Tab 4B]

11. On June 29, 2007 Ms. Pearson registered Discharges of Caveat of the caveats placed on Lots 2 and 11. Ms. Pearson signed the Discharges purporting to be agent of T.B. and J.K. Ms. Pearson admits she did not have any direct instructions from T.B. or J.K. to register the discharges and that she did so on the instructions of A. Co.

[Exhibit 6, Tab 4A and 4E]

12. On August 29, 2007 Ms. Pearson registered a Discharge of Caveat of the caveat placed on Lot 8. Ms. Pearson signed the Discharge purporting to be agent of T.B. and J.K. Ms. Pearson admits she did not have any direct instructions from T.B. or J.K. to register the discharge and that she did so on the instructions of A. Co.

[Exhibit 6, Tab 4C]

13. In September 2007 Ms. Pearson was contacted by Mr. Mielke who had been retained by J.K. In a telephone conversation with Mr. Mielke, Ms. Pearson confirmed that she was aware that she acted without instructions from J.K. in the removal of the Caveats but indicated she removed the Caveats without instructions from J.K. or T.B. because she was under obligations to third parties to clear the title when the Lots were sold.

14. Ms. Pearson admits that she did not receive her client's instructions in removing the caveats without the specific authorization of J.K. and that her conduct in removing the Caveats from Lots 2, 7, 8 and 11 is conduct deserving of sanction. Ms. Pearson also admits that she breached her duty to J.K. by not advising him she had already discharged Caveats from Lots 10 and 12 during the telephone conversation in March 2007 during which she was instructed not to remove any Caveats without specific instructions from J.K.

15. Ms. Pearson acknowledges that as a consequence of the Caveats being discharged J.K. and T.B. claim to have lost valuable security to protect the loan to A. Co. and that they have not been fully repaid. Litigation remains outstanding with respect to the debt.

CITATION 3

IT IS ALLEGED THAT you failed to provide conscientious, diligent and efficient services to your client, and that such conduct is conduct deserving of sanction.

16. In October 2006 B.W. retained Ms. Pearson's firm to act on his behalf with respect to a custody and access dispute. From October 2006 to November 2007 the file progressed under the conduct of an associate. On November 6, 2007 Ms. Pearson took over conduct of the file. Ms. Pearson admits the conduct of concern in this citation arise during the time Ms. Pearson was responsible for the file.

17. Ms. Pearson admits that from November 6, 2007 until her retainer was terminated on August 6, 2008 she failed to serve her client as contemplated by Citation 3 in the following particulars:

a. From November 6, 2007 to December 31, 2007 Ms. Pearson failed to respond promptly to telephone calls from her client and failed to advance the file;

b. In the period prior to March 11, 2008 Ms. Pearson missed 3 appointments in a row with her client and failed to respond to numerous telephone messages, other than one phone call by her to the client's mother;

c. Ms. Pearson did not respond to communication from an opposing party which contemplated a reply received April 30, 2008;

d. Ms. Pearson did not respond promptly to calls received from her client prior to May 6, 2008;

Ms. Pearson admits that in all of the circumstances her conduct was conduct deserving of sanction.

CITATION 7

IT IS ALLEGED THAT you breached your trust obligations and the accounting Rules of the Law Society of Alberta, and that such conduct is conduct deserving of sanction.

18. Ms. Pearson admits that from January 2006 she did not comply with trust accounting rules in that she sometimes transferred funds from trust to general prior to issuing statements of account. Ms. Pearson admits the specific findings of the investigator set out in Exhibit 26 regarding these incidents.

19. Ms. Pearson admits that on April 26, 2006 she withdrew $17,120 from an estate file of Client R without legal entitlement to the funds and contrary to the trust conditions upon which she was holding the estate funds. Ms. Pearson withdrew her prospective contingency entitlement on a portion of the settlement in advance of the settlement concluding on the assumption that the portion of the claim to which the contingency calculation related was not in issue.

20. On September 7, 2006 Ms. Pearson reached a settlement of a contingency claim for Client R and others which resulted in her being entitled to a contingency fee of $26,500. In October 2006 Ms. Pearson prepared a Statement of Account backdated to July 2006. In her reporting to her client Ms. Pearson admits she did not disclose the prior unauthorized withdrawal by her of trust funds held on behalf of the estate.

21. Ms. Pearson admits that the manner in which she managed trust funds in her practice from January 2006 and throughout the period of review significantly departed from her fiduciary obligations in respect of trust money and was in breach of the accounting Rules of the Law Society as noted in Exhibit 26. Ms. Pearson acknowledges this conduct is deserving of sanction.

17. Section 60 of the *Legal Profession Act* requires that an admission of guilt be accepted by the hearing committee appointed to hear the matter before it is acted on. If it is accepted, each admission of guilt in respect of conduct is deemed to be a finding of the hearing committee that the conduct is deserving of sanction.

18. There is often no issue whether to accept an admission of guilt. In the present case there is no concern that the admission is involuntary or provided by a member who appears to lack capacity to understand the nature and consequences of the admission. However, the proposal will result in the dismissal of the serious charges of misconduct recited in citations 5 and 6.

19. In assessing a proposal that dismisses charges without a full hearing of the evidence, the Hearing Committee must be cognizant of the regulatory landscape. The citations were directed by the Conduct Committee. A panel of that committee, applying a threshold test similar to that used by the Crown in deciding whether to proceed with criminal charges, must have concluded that there was a reasonable prospect of a hearing committee finding conduct deserving of sanction arising from misappropriation of funds. The Conduct Committee sits in panels of at least 3 lawyers and lay Benchers to determine whether citations should be directed. In light of this structure, the Hearing Committee must be satisfied that the termination of further proceedings on citations 5 and 6 probably would not compromise the public interest or weaken the confidence which the profession and the public have in the Law Society's conduct processes. That confidence is partly dependent on assuring impartiality, independence, transparency, fairness, and efficiency.

20. In making this judgment, it is very important to recognize that the Law Society and its counsel are in a far better position than a hearing committee to judge the prospects of proving various degrees of misconduct. Moreover, a joint submission on penalty "promotes resolution, the saving of time and expense, and reasonable certainty for the parties". ***Law Society of Upper Canada v. Cooper***, [2009] L.S.D.D. 81 (Appeal Panel), at para. 18. These desirable goals should be encouraged both in admissions of guilt and joint submissions on penalty.

21. It follows that deference should be given to the judgment of the Law Society and its counsel in supporting an admission of guilt which will result in some citations being dismissed, and that the same principles applicable to a joint submission on penalty should be applied. A hearing committee should give serious consideration to a jointly tendered admission resulting in termination of some citations, should not lightly disregard it, and should accept it unless it is unfit or unreasonable, contrary to the public interest, or there are good and cogent reasons for rejecting it. See ***Rault v. Law Society of Saskatchewan***, 2009 SKCA 81, [2010] 1 W.W.R. 678; ***R. v. L.R.T.***, 2010 ABCA 224.

22. The Hearing Committee had the benefit of very cogent submissions from counsel for both sides, and of reviewing the agreed exhibits, which included the final report of the

Law Society's audit investigation and a transcript of the Member's interview on those audit findings. Nothing in the agreed exhibits caused us any concern that the public interest would be compromised in accepting the admission with the amendment to citation 7, and indeed helped satisfy us that the public interest would not be compromised. The admission was accepted under section 60 and citation 7 amended as requested. Accordingly there is a deemed finding that the conduct admitted to in Exhibit 27 is deserving of sanction pursuant to section 60 of the *Legal Profession Act*. The Hearing Committee dismisses citations 4 through 6 inclusive.

VI. ADDITIONAL FINDINGS OF FACT – SANCTION

23. The Member did not testify in the sanction phase of the hearing. Exhibits 28 through 30 were marked in the sanction phase of the hearing.

24. The Member has no prior discipline history.

25. The Member was referred to the Practice Review Committee by the Conduct Committee, and a practice assessment was carried out on September 10, 2009. The Member's office technology was reported to be old and deficient. Her calendar system was not accessible by assistants, who were therefore forced to maintain separate calendars. The calendar system was disorganized. There were 2 staff members. One needed more training, guidance and support. The other had no experience, was unhappy, was "way in over his head", and did not want training because he did not want to be a legal assistant. Multiple trust accounts made reporting to the Law Society more complex than it ought to have been. The Member had problems with lack of organization of the office and files, lack of documentation on files, managing client expectations, and procrastination. The evidence respecting the citations reflected the same pattern.

26. The Member did not meet all the deadlines in the practice review process, appearing to continue a pattern of procrastination; however, the Member has begun to take steps to resolve her practice management issues.

27. The evidence on citations 1 and 2 reflects basic misunderstandings by the Member of how to appropriately discharge her duties. There were basic errors in the format of some of the caveat discharge documents, in that some were signed as agent of the borrower rather than the lender, demonstrating some confusion as to the role of the various participants or a failure to keep their separate interests distinct. In respect of the failure to register caveats on all the lots, and in discharging the caveats, the Member did not appear to discern that it was necessary to take instructions from all clients in the joint representation, or if she did, that she did not appear to have those instructions.

28. The Member may not have clearly understood whom she was acting for. Part of her explanation for her conduct on citations 1 and 2 included that she accepted representations from A. Co. that T.B. was in agreement to discharge the caveats. If she acted for all of A. Co., T.B. and J.K., then she accepted such representations even though there was a conflict of interest. If she accepted the representations believing she was not acting for T.B., then she signed documents for a non-client without properly confirming her authority.

29. Her explanation in T.B.'s case also includes that T.B. was a director and 75% shareholder of A. Co. at the material times and was involved in the business and fully informed about it. Involvement and knowledge do not equate to instructions, nor did they clothe A. Co. with authority to represent T.B.'s personal interests.

30. In J.K.'s case, she explained that A. Co. kept him aware through T.B. However, there is not much to suggest that J.K. authorized T.B. to issue instructions for him and again, awareness does not equate to instructions.

31. The Member also appears to have thought that Financial Institution A. must be paid the lot sale proceeds in priority to the caveats and that the caveats had to be discharged in order to sell the lots. Perhaps this might imply an instruction to discharge the caveats, but she ought to have properly confirmed that with T.B. and J.K.

32. In one case, a discharge was signed but the assistant was not instructed to register it. The assistant nevertheless registered it. This reflects the organization problems in the practice.

33. We agree with Mr. Lister's submission that the problems on citations 1 and 2 arose from a conflict of interest, a failure to consider who was entitled to instruct her, and failure to think through who was a client. We also conclude the failures here are competency issues, not integrity issues.

34. The evidence on citation 3 reflects the disorganization and procrastination in the Member's practice which was reported in the practice assessment.

35. The evidence on citation 7 reflects the disorganization of the Member's systems and records, delay in completing necessary accounting steps, and misunderstandings of when it is appropriate to take and how to account for a contingent fee. The fee which is the primary concern on citation 7 was eventually earned by the Member, but not at the time the advance was taken. Again, these reflect competency issues as opposed to integrity issues.

VII. DECISIONS AND REASONS - SANCTION

43. Counsel for the Law Society and the Member made a joint submission that the Hearing Committee should order a suspension of 4 months duration.

44. The primary purpose of disciplinary proceedings is derived from Section 49(1) of the *Legal Profession Act*, and is the protection of the best interests of the public and the standing of the legal profession generally. The fundamental purpose of the sanctioning process is to ensure that the public is protected and that a high degree of confidence in the legal profession is maintained.

45. A joint submission on penalty should receive deference because it is in the public interest to foster guilty pleas, thereby encouraging a member of the Law Society to accept responsibility and saving the time, effort and expense associated with a contested hearing.

As an Appeal Panel of the Law Society of Upper Canada stated, a joint submission "promotes resolution, the saving of time and expense, and reasonable certainty for the parties". ***Law Society of Upper Canada v. Cooper***, *supra*. Therefore, a hearing committee should give serious consideration to a joint sentencing submission, should not lightly disregard it, and should accept it unless it is unfit or unreasonable, contrary to the public interest, or there are good and cogent reasons for rejecting it. ***Rault v. Law Society of Saskatchewan***, *supra*; ***R. v. L.R.T***., *supra*.

46. The Hearing Committee considered that in sanctioning there may be more than one reasonable solution and therefore there is no single correct sanction. Nevertheless, reasonable consistency in sanctioning is necessary to maintain the confidence of the public and the members of the Law Society that the process is transparent, rational and justifiable.

47. In deciding whether to accept the joint submission, the Hearing Committee considered the general factors outlined in paragraph 60 of the Hearing Guide. The weight to be given to each factor will depend on the nature of the case, keeping in mind the purpose of the sanctioning process. Among those factors are the need to maintain the public's confidence in the integrity of the profession, the ability of the profession to effectively govern its own members, deterrence of members generally and the member whose conduct is at issue, denunciation of the conduct, and rehabilitation of the member. More specific factors may include the nature of the conduct, the level of intent, the impact of or injury caused by the conduct, the number of incidents involved, and the length of time involved. The Hearing Committee also considered the more specific circumstances described in paragraph 61 of the Hearing Guide. They include the impact of or injury caused by the impugned conduct, length of time of the breach, and severity of the breach.

48. The most important factors that led to the Hearing Committee's decision to accept the joint submission are described below.

49. The sanction must denunciate the conduct in question. A lawyer must always be vigilant to assess whether it is appropriate to act in matters of potential conflict of interest and to comply with the Code of Professional Conduct in that regard. Insisting on proper instructions, complying with instructions, and proper handling of client property and funds are fundamental to the practice of law and the administration of justice.

50. Further, the sanction must protect the public confidence in the profession. The failures to register caveats, the discharges of the caveats, the withdrawals from trust, and the failures to report on these matters are serious breaches that should attract a serious sanction. Such a sanction will assure the public that lawyers will honour their instructions, can be trusted and relied on, and will appropriately deal with funds and other client property.

51. These factors suggest that a serious sanction should be imposed. The Member has almost 20 years of service to the public. For her, a suspension for a first time conviction is a serious matter. Moreover, she is not entitled as of right to return to practice when the suspension expires: her return to active practice is subject to the reinstatement process under Part 4, Division 2 of the Rules.

52. The sanction also must bring home to the Member that her practice management must continue to improve.

53. On the other side of the equation are factors that should temper the suspension to the lower end of the range. The sanction should account for rehabilitative factors. The Member has been through the practice review process, has an action plan to improve her practice, is under trust fund supervision by the Law Society, and is improving her efforts in continuing legal education.

54. In this regard, the Hearing Committee noted that the suspension should afford the Member an opportunity to regroup, reflect, and continue efforts toward rehabilitation of her practice. In our view, her time during the suspension would be well spent by reflecting on and improving her office practices, increasing her knowledge in her practice

areas and the Code of Professional Conduct, hiring better staff, and also taking time for herself and being sure to avoid personal pressures that affect one's performance and well being in a challenging law office environment.

55. Also in mitigation are the admission of guilt and absence of a prior disciplinary history.

56. Based on the above, the Hearing Committee concluded that a suspension of 4 months duration was within the range of reasonable sanctions that will accomplish the objectives of the sanctioning process.

57. The Member requested that the suspension commence September 1, 2011 in order to minimize disruption to other clients who have court commitments. The Hearing Committee noted that the Member is practicing under the Law Society's trust fund supervision program and there will be a notice to the profession advising of the suspension. The Hearing Committee was satisfied that the public interest is protected by these measures, and granted the request.

VIII. RECORD OF DECISIONS

58. There is a direction in place for redaction of certain information from the record. See paragraph 12 above.

59. The Member was found guilty of citations 1, 2, 3 and 7 (as amended) as described in paragraphs 1 and 2 of this report. Citations 4, 5 and 6 are dismissed.

60. The Hearing Committee imposed the following sanction on the Member:

    (a) A suspension of 4 months duration.

    (b) The suspension shall commence September 1, 2011.

61. The Member shall pay the costs of these proceedings, in the amount of $3601.50. Time to pay until the close of business on December 1, 2011 is granted.

62. There is no direction that any report be made to the Attorney General.

Dated June 1, 2011 at Calgary, Alberta.

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James Eamon, Q.C. (Chairperson)	Kevin Feth, Q.C.

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Dr. Miriam Carey, Ph.D.