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

[EDITOR'S NOTE: CORRIGENDUM RELEASED: DECEMBER 6, 2018[1]]

Hearing Committee
Nathan Whitling – Chair
Sandra Mah – Lawyer Adjudicator
Michael Mannas – Public Adjudicator

Appearances
Candice Ross – Counsel for the Law Society of Alberta (LSA)
Sean Smyth, QC – Counsel for Wilfred Willier

Hearing Date
September 5, 2018

Hearing Location
LSA office, at 500, 919 - 11 Avenue SW, Calgary, Alberta

HEARING COMMITTEE REPORT

Overview

1. Mr. Willier is a member of the Dene Tha' First Nation (DTFN) and has practiced law in Alberta since 1994. He provides legal services mainly to Indigenous communities and peoples. As of March 2014, he had been working for the Band Council of a First Nation for about 13 years on various matters.

2. On January 25, 2017, an LSA Conduct Committee Panel directed the following citations to a hearing:

[1] The following changes have been made to the original judgment:
1. At the request of counsel for the LSA, and with the consent of counsel for Mr. Willier, paragraphs 3, 40, and 42 have been corrected to indicate that the LSA did not expressly admit that Mr. Willier suffered embarrassment and financial loss.

1. It is alleged the Mr. Willier disclosed a confidential document to opposing counsel without the client's consent and contrary to the client's express instructions and that such conduct is deserving of sanction;

2. It is alleged that Mr. Willier improperly billed his client after being instructed to cease work on the file and that such conduct is deserving of sanction;

3. It is alleged that Mr. Willier failed to provide the client's file to his client upon request and that such conduct is deserving sanction;

4. It is alleged that Mr. Willier initiated an action in the names of parties from whom he did not receive instructions or consent and such conduct is deserving of sanction;

5. It is alleged that Mr. Willier failed to take steps to prosecute the litigation thereby exposing the plaintiffs to cost consequences and that such conduct is deserving of sanction;

6. It is alleged that Mr. Willier improperly handled trust funds in breach of the accounting rules and that such conduct is deserving sanction;

7. It is alleged that Mr. Willier failed to provide a proper accounting upon request by his client and that such conduct deserving sanction.

3. The above seven citations were published by the LSA and remained on the public record between January 25, 2017, and April 12, 2018. Mr. Willier submitted that having these seven citations on the public record caused him great embarrassment and financial loss. The LSA did not lead contrary evidence on this point.

4. On April 12, 2018, the Pre-Hearing Conference Chair approved the withdrawal of Citations 5, 6 and 7 by the LSA.

5. On September 5, 2018, the Hearing Committee (Committee) convened a hearing into the conduct of Mr. Willier, in relation to his work with the First Nation. The hearing was convened based on the remaining four citations, Citations 1, 2, 3, and 4 above.

6. Prior to the hearing date, a Statement of Admitted Facts and Admission of Conduct Deserving of Sanction, dated August 28, 2018 (the Statement), was signed by Mr. Willier. A redacted version of the Statement is attached as Schedule A. In it, Mr. Willier acknowledges that Citation 2 was supported by the facts set out in the Statement.

7. At the oral hearing, LSA counsel indicated that, while the LSA was not withdrawing Citations 1, 3 and 4, it would be calling no evidence with respect to those citations. As a result, the Committee dismissed those citations.

8. After reviewing all of the evidence and exhibits, and for the reasons set out below, the Committee accepted the Statement. Accordingly, pursuant to subsection 60(4) of the *Legal Professional Act* (the Act), it was a deemed finding of the Committee that Mr. Willier was guilty of conduct deserving sanction on Citation 2, pursuant to section 71 of the Act.

9. The Committee also found that, based on the facts of this case and in consideration of the joint submission on sanction by the LSA and Mr. Willier, the appropriate sanction was a reprimand, as proposed in the joint submission on sanction. A reprimand was delivered orally at the hearing. The text of the reprimand is included below.

10. The parties were not in agreement on the issue of costs. The Committee was provided with case law and several exhibits, and heard oral submissions on costs from the parties. Parties were also provided the opportunity to file additional written submissions and case law after the oral hearing. Those submissions were subsequently received and reviewed. After reviewing the exhibits, submissions and case law, and for the reasons set out below, pursuant to subsection 72(2) of the Act, the Committee orders Mr. Willier to pay costs in the amount of $1,500 within six months of this decision.

Preliminary Matters

11. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested, so a public hearing into Mr. Willier's conduct proceeded.

Statement of Admitted Facts and Admission of Conduct Deserving of Sanction

12. LSA counsel advised that the content of the Statement did not include an express acknowledgement of guilt, as guilt or blameworthiness is a concept inconsistent with Mr. Willier's worldview. Mr. Willier's counsel noted the same. However, both agreed that, notwithstanding the absence of an express admission of guilt, that the Statement met the requirements of section 60 of the Act. The Committee agreed. The Statement was found to meet the requirements of section 60 of the Act and to be in an acceptable form by the Committee.

13. As a result, according to subsection 60(4) of the Act, Mr. Willier's acknowledgement is deemed to be a finding of the Committee that the conduct of Mr. Willier in relation to Citation 2 is deserving of sanction.

Sanction

14. The LSA and Mr. Willier provided a joint submission on sanction, proposing that a reprimand be issued. LSA counsel referred the Committee to the purpose of discipline set out in section 49 of the Act and the general and specific factors to consider when determining sanction, as set out in the Hearing Guide.

15. The LSA noted Mr. Willier's long practice history, his commitment to providing legal services to Indigenous groups, a traditionally underserviced area of the public, and his lack of disciplinary record. LSA counsel also noted that Mr. Willier serves an important role in providing access to justice for some of his Indigenous clients. Mr. Willier also is a role model for the Indigenous community

16. Based on the citation and facts set out in the Statement, and after considering the factors relevant to sanction in the Hearing Guideline, the LSA and Mr. Willier's counsel submitted that the appropriate sanction in this case was a reprimand, under subsection 72(1) of the Act.

17. While acknowledging that the Committee was not bound to accept the joint submission on sanction, Counsel submitted that the joint submission should be afforded deference, unless it is unfit, unreasonable, or contrary to public interest, or would bring the administration of justice into disrepute, citing both *Rault v. The Law Society of Saskatchewan* 2009 SKCA 81 (CanLII), and *R. v. Anthony-Cook*, 2016 SCC 43 (CanLII).

18. The Committee noted that a joint submission on sanction should be given serious consideration and regard, unless it is found to be unfit, unreasonable, or contrary to the public interest, as noted in *Rault*. In addition, the Supreme Court of Canada, in *Anthony-Cook* established that a joint submission should not be lightly disregarded and indeed, should be accepted, unless the joint submission on sanctions would bring the administration of justice into disrepute or is otherwise contrary to public interest.

19. The Committee noted Justice Moldaver's comments in *Anthony-Cook*, at paragraph 34, that the rejection of a joint submission:

> […] denotes a submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons aware of all the relevant circumstances, including the importance in promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down.

20. The Committee found that while *Anthony-Cook* is a criminal case addressing a guilty plea to criminal charges, its principles were applicable by analogy to the present case. Based upon all of the facts of this case, and considering the range of sanctions in similar

cases, the Committee accepted the joint submission on sanction as being well within the reasonable range of sanctions such that its acceptance would not bring the administration of justice into disrepute, nor be contrary to the public interest. The Committee therefore determined that an appropriate sanction to be imposed upon Mr. Willier was a reprimand.

21. The Committee delivered the following oral reprimand to Mr. Willier at the hearing:

> Mr. Willier, the right to practice law in the Province of Alberta is a privilege that has been bestowed upon you by the Law Society of Alberta in exercise of its authority under the *Legal Profession Act*. When you accepted that privilege, you also accepted certain responsibilities, including those contained in the Code of Conduct respecting the billing of clients.
>
> You have admitted that the accounts that were issued by you to your client contained descriptions of services that were vaguely worded, and so did not fully and accurately detail the charges that you claimed from your client. Under these circumstances, you knew or you ought to have known that the invoices were not issued in accordance with the Code of Conduct, and the issuance of such invoices is unacceptable and deserving of sanction.
>
> We, the members of this Hearing Committee, hope that you move forward with your career on the basis of a renewed commitment to the Law Society's Code of Conduct, which we remind you, you are bound to follow.

Arguments Regarding Costs

22. The parties were not in agreement on costs. The LSA argued that costs had not been waived for this matter, as contended by Mr. Willier's counsel. Further, costs are not meant to be punitive, but are simply recovery of real costs associated with disciplinary proceedings.

23. The LSA provided two cases for the Committee's consideration: *Zuk v. Alberta Dental Assoc. and College*, 2018 ABCA 270 and *LSA v. Torske*, 2016 ABLS 27.

24. Ms. Ross filed an Estimated Statement of Costs (Exhibit B) in the amount of $8,402.11, which she indicated was one-third of the actual costs. In addition, the Estimated Statement did not include hours spent on two mediations and ongoing negotiations, and the actual hearing time, which exceeded the one hour in the Statement of Costs. It also

did not reflect any future costs that may be incurred, for example costs related to witnesses having to cancel travel plans.

25. LSA counsel acknowledged that it was within the absolute discretion of the Committee to award costs, or not at all, but advised that significant work was involved in this matter, even in reaching the agreement that was reached. She noted that while it may be appropriate to reduce the costs, it would not be appropriate for Mr. Willier to pay no costs.

26. Mr. Willier's counsel argued that either the LSA had previously agreed that costs would not be sought in this case, or alternatively, the Hearing Committee should exercise its discretion not to order costs, based on the facts of this case.

27. With the consent of Ms. Ross, Mr. Smyth entered two volumes of settlement correspondence onto the record (Exhibits C and D). He argued that these communications reflected an enforceable agreement that the LSA would not seek costs against Mr. Willier. On behalf of the LSA, Ms. Ross indicated that she was willing to waive any without-prejudice privilege that might be applicable to that correspondence.

28. Alternatively, Mr. Smyth argued that based on the facts of this case, no costs should be awarded. Mr. Smyth noted that initially there were seven citations issued, many of them very serious, including abusing trust funds and disclosing confidential documents.

29. Ultimately, only one citation was proven, although he noted that the citation had undergone amendment since it was first levelled. None of the more serious citations were proven – they were either withdrawn or dismissed. Mr. Smyth argued that the LSA overcharged in this case. He argued that the LSA should not be permitted recover the investigation costs with respect to all seven charges.

30. Further, Mr. Smyth points out that all seven citations were published on the LSA's website, causing Mr. Willier embarrassment and financial loss for many months. Three citations were eventually withdrawn, but not until April 2018.

31. Finally, Mr. Smyth relies upon the sentencing principles reflected in the landmark case of *R. v. Gladue*, [1999] 1 S.C.R. 688, as a basis for a reduction or elimination of Mr. Willier's responsibility for costs.

32. In rebuttal, Ms. Ross indicated that the documents did not reflect any meeting of the minds between the LSA and Mr. Willier regarding the issue of costs, or any other matters. Ms. Ross relied in particular upon communications from the LSA indicating that it would not ultimately agree to the terms reflected in the draft agreements.

33. The LSA reiterated that there was a long investigation, and there was sufficient evidence to support the citations, as determined by the Conduct Committee Panel. The costs were real costs, and they ought not to be borne by the LSA.

Analysis and Conclusions Regarding Costs

34. We agree with Mr. Smyth that if the parties to this matter had reached an agreement respecting the costs of these proceedings, then such an agreement ought to be enforced absent unusual circumstances. But having reviewed the voluminous material submitted by the parties, we find that no such agreement was reached. In particular, it is apparent from Ms. Ross's email of August 21, 2018 (located at Tab 70 to Exhibit D), that the LSA advised Mr. Smyth that it was not prepared to proceed with the draft agreement then in existence. At that point in time, the parties had not finalized or executed the agreement, and there remained at least two provisions still being actively negotiated.

35. Regarding Mr. Willier's reliance upon *Gladue* and related jurisprudence, we would not rule out the possibility that its principles could be of assistance to both the sanctions and costs aspects of LSA disciplinary proceedings in a future case. In the present case however, we have not been provided with any evidence respecting Mr. Willier's personal or family circumstances that would explain, mitigate, or otherwise affect Mr. Willier's responsibility for the costs of these proceedings. Such individualized evidence is required by *Gladue* and related cases in the criminal sentencing context.

36. Our analysis therefore begins from the general or "default" rule reflected in *Torske* where, at para. 37, the panel stated that "in the ordinary course, the member found guilty of conduct deserving of sanction should be required to pay the actual costs of the proceedings that led to the finding of guilt." While we agree with this statement, the rule recognized in *Torske* does not presume that the member should be responsible for the costs of any citations that were withdrawn or dismissed.

37. One of the cases cited and followed by the panel in *Torske* was *Carteledge v. Alberta Veterinary Medical Association*, [1999] A.J. No. 458 (C.A.). In that case, the Alberta Court of Appeal approved a costs award of one-half of the professional association's actual costs. That reduction had been imposed since some of the other charges had not been made out.

38. In the circumstances of *Torske* itself, the panel considered, at paragraphs 55-57, reducing the member's responsibility for costs on the basis that one of the citations against him had been dismissed. However, the panel declined to do so since the presence of the dismissed citation had not materially increased the costs of the proceeding.

39. In the present case, we find the withdrawal or dismissal of six of the seven citations originally issued against Mr. Willier to be a significant factor warranting a reduction of the LSA's entitlement to costs. In our view, there exists a general or "default" rule that a lawyer should not be responsible for costs respecting the investigation and prosecution of citations that are ultimately dismissed or withdrawn.

40. We note that the original Citations 5, 6, and 7 against Mr. Willier were withdrawn at an earlier stage than the four citations that proceeded to a hearing, and that consequently a smaller portion of the LSA's costs may be attributable to those original citations. But on the other hand, those three citations contained comparatively more serious allegations, including the mishandling of client trust funds. Further, Mr. Willier's uncontradicted evidence was that having the three ultimately withdrawn citations on the public record for approximately 15 months caused him great embarrassment and financial loss.

41. In reaching the conclusion that we do, we fully accept the LSA's representation that all seven of the original citations in this matter were issued by the LSA in good faith, and that there existed a reasonable basis for the LSA's decision to issue those citations. The fact remains, however, that those citations were not made out against Mr. Willier, and we see no sound basis for holding him responsible for them.

42. The LSA also correctly points out that since the costs of the six unproven or withdrawn citations are actual out-of-pocket costs, they will ultimately be borne by the LSA's membership unless they can be passed on to Mr. Willier. While we appreciate the wish of the LSA to minimize costs to its membership, we do not see this as a legitimate basis for imposing them upon Mr. Willier. Not only was he not found guilty of these citations, Mr. Willier noted in his Statement that their presence on the public record has caused him great embarrassment and financial loss.

43. In all the circumstances of this case, we find it appropriate to order Mr. Willier to pay $1,500 of the costs incurred by the LSA. Mr. Willier will have six months from the date of this decision to pay these costs.

Concluding Matters

44. There will be no Notice to the Profession or to the Attorney General.

45. The exhibits and other hearing materials, transcripts, and this report will be available for public inspection, including providing copies of exhibits for a reasonable copy fee, although redactions will be made to preserve personal information, client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated at Calgary, Alberta, November 9, 2018.

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Nathan Whitling, Chair

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Sandra Mah, Lawyer Adjudicator

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Michael Mannas, Public Adjudicator

Schedule A

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 HE20170020

STATEMENT OF ADMITTED FACTS AND

ADMISSION OF CONDUCT DESERVING OF SANCTION

1. I am a member of the Dene Tha' First Nation ("**DTFN**").

2. Both of my parents were required to, and did, attend residential schools.

3. My father was a […] for 9 years.

4. I graduated from the University of Calgary Law School in […] and was awarded the Grant McKibben Memorial Award.

5. I was called to the Alberta Bar on July 15, 1994 and I have practiced continuously in Alberta since that time.

6. My present status with the Law Society of Alberta is Active/Practicing.

7. In my practice, I provide legal services largely on behalf of Indigenous communities and peoples and in doing so I perform important services and provides access to justice to Indigenous communities that may not otherwise have legal service or access to justice

8. In 2013, I was awarded the "Alberta Aboriginal Role Model Award" for service to my community in justice.

9. As of March 2014, I had been working for the Band Council of […], [FN], for about 13 years on various matters including most recently pursuant to the Retainer Agreement attached as Schedule "A".

10. In particular, in February 2004, I was retained by [FN] to take over two Federal Court actions, namely, Federal Court Action No. […] and […] (the "**Federal Court files**") which had been commenced by another law firm. The Federal Court files concerned claims by [FN] against the Federal Crown with respect to land claims, mineral claims, and various other matters for which the [FN] claimed compensation.

11. At the time that I was retained on the Federal Court files, the Chief of [FN] was Chief [SD]. Subsequently, the retainer with [FN] was continued and maintained under a new Chief of [FN], [JA].

12. I worked on the Federal Court files from approximately February 24, 2004 to April, 2014 billing [FN] regularly.

13. In early 2014, a new Band Council was elected and the Chief of the [FN] became [JP].

14. Under the direction of Chief [JP], the [FN] band council passed a motion dated March 20, 2014, which resolved as follows:

> "Therefore be it resolved that the [FN] approve the discontinuance of this file by Will Willier and Company and that notice be given to Will Willier to that affect [sic]; effective from April 20th to June 20th, 2014."
>
> "Be it further resolved that [FN] to seek and retain the services of an independent legal counsel to conduct and review the [FN] Treaty Land Entitlement Process and Specific Land Claims Process."
>
> "Be it further resolved that Will Willier and Company be instructed to provide full access to the [FN] Treaty Land Entitlement Process and Specific Claims Process file to the retained independent legal counsel."

15. I understood the March 20, 2014 motion to instruct me to suspend work on the Federal Court files from April 20 to June 20, 2014, but to provide full access to my files to another firm or lawyer that [FN] would subsequently select and advise.

16. The March 20, 2014 motion was sent to my office by letter dated March 21, 2014. The letter stated that I would be advised when an independent legal advisor was selected for the review.

17. By Motion of the [FN] Chief ([JP]) and Council dated April 16, 2014, [FN] selected a new firm, [P], to conduct the independent review of the Federal Court files with such review to be presented to the [FN] Chief and Council by no later than June 30, 2014. I was provided with a copy of the April 16, 2014 motion.

18. On September 3, 2014, Chief [JP] of [FN] sent a letter to me advising that the [FN] Chief and Council had made the decision to discontinue my representation of [FN] with regard to the Treaty Land Entitlement Process and Specific Land Claims Process. The letter also stated the following:

> Accordingly, you are instructed to do no further work in relation to this matter unless requested to do so in writing by an authorized representative of [FN]. You are instructed to have no further communications with opposing counsel in relation to this matter. Please submit the final invoice for your work and expenses incurred to date with respect to your firm's representation of [FN] in this matter, which will be subject to normal review and approval process. Any additional costs incurred from this date forward will only be paid if written approval for the work is provided in advance by an authorized representative of [FN].

19. By letter dated October 17, 2014, I requested that I be provided with a Band Council Resolution (a "**BCR**") terminating my retainer with [FN] in respect of the Federal Court files. A letter from Chief [JP] is not sufficient to provide instructions for the discharge of

my retainer since, pursuant to Section 2(3)(b) of the *Indian Act*, RSC 1985, "a power conferred on the council of a band shall be deemed not to be exercised unless it is exercised pursuant to the consent of a majority of the councilors of the band present at a meeting of the council duly convened". The consent of a majority of councilors of a band is expressed through a motion that is duly approved or a BCR that is duly approved.

20. On October 23, 2014, I received a letter from [FN] Chief [JP] enclosing a copy of a BCR dated September 22, 2014.

21. The September 22, 2014 BCR directed that a new firm, [P], be retained to take conduct of the Federal Court files and terminated my firm, Willier & Company, as counsel of record with respect to the Federal Court files.

22. On November 4, 2014, I sent an invoice to [FN].

23. Within the November 4, 2014 invoice, there contained 22 time entries between April 28, 2014 and September 28, 2014 attributed to an associate at my firm, [AS], which were detailed as "Readily available and awaiting instruction from [FN] to answer questions regarding the file and phone calls pertaining to such". Each of these weekly time entries was for 20 hours. Each of these time entries occurred after I received the March 20, 2014 motion of the [FN] Band Council which I understood to instruct me to suspend work on the Federal Court files from April 20 to June 20, 2014, but to provide full access to my files to another firm or lawyer that [FN] would subsequently select and advise.

24. I acknowledge and agree that the invoice, dated November 4, 2014, did not fully and accurately detail the charges for which I claimed from [FN].

25. On February 27, 2015, [FN], through their counsel, [P], filed an Appointment of Review of Retainer Agreement/Lawyer's Charges with respect to my firm's invoice dated November 4, 2014 with the Court of Queen's Bench in Edmonton.

26. On February 27, 2015, I filed an Appointment for Review of Retainer Agreement/Lawyer's Charges with the Court of Queen's Bench in Calgary (the "Review") with respect to the November 4, 2014 invoice as I did not believe that Edmonton was the proper forum for the proceedings. I served the Review on [P] on April 16, 2015.

27. On March 27, 2015, I sent a further invoice to [FN] for file storage for 13 months from March 2014 to and including March 2015. The amounts billed for file storage occurred largely for a period of time after I received the March 20, 2014 motion of the [FN] Band Council.

28. I acknowledge and agree that the invoice dated March 27, 2015, did not fully and accurately detail the charges for which I claimed from [FN].

29. A Review of the accounts took place on May […], 2015 at the Court of Queen's Bench in Calgary.

30. Nobody appeared on behalf of me or my firm at the taxation, although another lawyer, [AS], was tasked with this appearance and did not appear without informing me in advance.

31. The Review Officer reduced the sum of the invoices substantially because nobody appeared for my firm.

32. I appealed from the decision of the Review Officer and the appeal was initially struck out, however, I am in the process of negotiating with new counsel for [FN] to have the appeal reinstated.

33. I did not receive any compensation in respect of my accounts notwithstanding that the March 20, 2014 motion resolved, in part, as follows:

> "Be it further resolved that Will Willier and Company be instructed to provide full access to the [FN] Treaty Land Entitlement Process and Specific Claims Process file to the retained independent legal counsel."

34. During the period during which [P] was to have reviewed my files, at no time did any lawyer review the files in my possession or the possession of my firm.

35. I learned subsequently that [P] discontinued one of the Federal Court files (namely, Federal Court Action No. […]).

36. The new lawyer with [P] who had been appointed to replace me made a complaint about me to the Law Soceity [sic] of Alberta (the "**LSA**") in relation to some of my dealings with the [FN].

37. On January 25, 2017, an LSA Conduct Committee Panel directed the following citations (the "**Citations**") to a hearing:

1. It is alleged that Mr. Willier disclosed a confidential document to opposing counsel without the client's consent and contrary to the client's express instructions and that such conduct is deserving of sanction;

2. It is alleged that Mr. Willier improperly billed his clients after being instructed to cease work on the file and that such conduct is deserving of sanction;

3. It is alleged that Mr. Willier failed to provide the client's file to his client upon request, and that such conduct is deserving of sanction;

4. It is alleged that Mr. Willier initiated an action in the names of parties from whom he did not received instructions or consent and that such conduct is deserving of sanction;

5. It is alleged the Mr. Willier failed to take steps to prosecute the litigation thereby exposing the plaintiffs to cost consequences and that such conduct is deserving of sanction;

6. It is alleged that Mr. Willier improperly handled trust funds in breach of the accounting rules and that such conduct is deserving of sanction; and

7. It is alleged that Mr. Willier failed to provide a proper accounting upon request by his client and that such conduct is deserving of sanction.

38. All of the Citations were published by the LSA and became known to the public.

39. On April 12, 2018, the Pre-Hearing Conference Chair approved the withdrawal of Citations 5, 6, and 7 by the LSA.

40. Citations 5, 6 and 7, including allegations that I inappropriately handled trust funds, remained on the public record between January 25, 2017 and April 12, 2018 (i.e., for approximately 15 months).

41. Having the Citations on the public record caused me great embarrassment [sic] and financial loss.

42. The hearing of Citations 1, 2, 3 and 4 (the "**Remaining Citations**") has been scheduled for September 4, 5, 17, and 18, 2018 (the "**Hearing**").

43. The [FN] sent a letter to the LSA dated April 16, 2018, which is signed by the Chief of [FN] and all band council members (which has the same effect as a BCR) and which reads:

> Re: The Law Society of Alberta v. Wilfred Willier – Hearing No HE 20170020
>
> The [FN] Council met in quorum on April 5, 2018 at […], and on April 6, 2018 at […], Alberta. This matter was discussed and the Chief and Council have agreed by consensus to withdraw all complaints to the Law Society of Alberta as against Wilfred Willier, immediately.
>
> We as Chief and Council have been provided the entire 'Hearing Exhibit Binder' as produced by the Law Society of Alberta. We note that no Band Council Resolution 'making the complaint' was ever requested or obtained.
>
> The complaint was likely lodged without the knowledge or consent of the full [FN] Chief and Council when it was first made. We however, now by consensus and with full knowledge direct the Law Society to immediately withdraw all citations against Wilfred Willier. If you have any questions, do not hesitate to contact Chief [JA] at […].

44. The LSA refused to follow this directive.

45. It is my understanding that the LSA has been advised by the [P] lawyer who made the complaint that [P] no longer represents [FN].

ADMISSION OF FACTS

46. I, Wilfred Willier, admit as facts the foregoing statements contained in this Agreed Statement of Facts for the purposes of these proceedings.

CITATIONS 1, 3 AND 4

47. I make no admissions for the purposes of s. 60 of the *Legal Profession Act* with respect to Citations 1, 3, or 4.

CITATION 2

48. Citation 2 is as follows:

> 2. It is alleged that Mr. Willier improperly billed his clients after being instructed to cease work on the file and that such conduct is deserving of sanction;

49. For the purposes of Section 60 of the *Legal Profession Act*, I agree that the facts stated herein support Citation 2 and acknowledge that I did not fully and accurately detail the charges for which I claimed from [FN].

CONSEQUENCE

50. It is my understanding that at the hearing of this matter the LSA and I will advance a joint submission as follows as to sanction with respect to Citation 2: that a reprimand be delivered to me.

LEGAL ADVICE

51. I acknowledge that I have had the opportunity to consult legal counsel and provide this Statement of Admitted Facts on a voluntary basis.

DATED THIS 28 DAY OF AUGUST, 2018 at CALGARY, ALBERTA.

"Wilfred Willier"

_____

WILFRED WILLIER