

LAW SOCIETY OF ALBERTA
IN THE MATTER OF THE *LEGAL PROFESSION ACT*;
AND
IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF DAWN WILSON
A MEMBER OF THE LAW SOCIETY OF ALBERTA

Hearing Committee

W. E. Brett Code, QC, Chair (Bencher)
Nancy Dilts, QC, Committee Member (Bencher)
Glen Buick, Committee Member (Lay Bencher)

Appearances

Nancy Bains - Counsel for the Law Society of Alberta (LSA)
Jim Rooney, QC - Counsel for Dawn Wilson

Hearing Dates

December 5, 2017

Hearing Location

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

HEARING COMMITTEE REPORT - SANCTION

1. On December 5, 2017, a Hearing Committee (Committee) convened at the Calgary office of the LSA to conduct a hearing to determine the sanction to be imposed upon Dawn Wilson, arising out of the Committee's finding that Ms. Wilson was guilty of conduct deserving of sanction. The finding of guilt was delivered in a Hearing Committee Report dated February 14, 2017.
2. Counsel for the parties had obviously fulfilled their roles fully prior to the hearing, as they had essentially agreed on all issues regarding sanction, other than the amount of the fine to be imposed.
3. They had agreed that the conduct in issue was not conduct deserving of either disbarment or suspension, but that it was deserving of a reprimand and a fine.
4. They agreed that a reprimand and fine fully dealt with the prospective and protective aspects of the sanctioning purposes, including all aspects of specific and general deterrence and all aspects of protecting the public and attempting to restore any harm done to the standing of the profession by the conduct in question.

5. The Committee reviewed the proposed joint sanction of a reprimand, and were of the view that it was appropriate on the circumstances of this case – it was within the range of reasonable options, the appropriate principles were considered and applied, and it meets the purpose of imposing sanctions.
6. Counsel differed only on the amount of the fine to be imposed. LSA counsel sought a total fine of \$10,000, while counsel for the member sought a fine of \$5,000 in total. We did not agree with LSA counsel that the conduct here deserved a fine at the very high end and agreed with counsel for Ms. Wilson. We imposed a fine of global fine of \$5,000.
7. In addition, the following reprimand was delivered at the hearing to Ms. Wilson on December 5, 2017:

Ms. Wilson, your conduct in this matter is deserving of sanction, and we must, and hereby do, reprimand you for that conduct. Our extensive reasons for decision highlight both the positives, of which there were many, of your conduct and the negatives. I won't repeat those here, as it is unnecessary.

Fulfilling the role of a barrister and solicitor in the Province of Alberta is very difficult, a role fraught with risk and demanding of constant vigilance, especially as it concerns the exercise of legal judgment. Foremost among the skills sought by our clients is sound judgment, and your misconduct here was the result of a failure of judgment.

We have said much about these matters in our decision on guilt. I ask that you again read the decision from paragraph 88 to the end. We have opined on what happened here, and we trust that you have heard us.

Members of the public rely, and are entitled to rely, on lawyers to assess the facts, the situations, and circumstances; to know the law; to understand and to be able to apply the many, many facets entailed with the provision of proper legal advice; and they are entitled to the benefit of objective advice. Here, you failed. You failed your clients, and you failed the Wourms family. These failures have brought the profession into disrepute, and you are hereby reprimanded for that.

We are sympathetic, and we wish you well. We understand that these last months and years have been very, very difficult for you, and we sympathize. We are grateful to you, as are your clients, that you continued to serve them and, in doing so, to serve the public interest.

We thank you for your service. We know that you have learned from this, and that the public and the profession will benefit from your ongoing contributions as a barrister and solicitor in good standing in Alberta.

8. Counsel agreed, and so did we, that full costs would be paid. Those costs have since been assessed. Ms. Wilson will pay costs in the amounts of \$11,488.98.

9. Ms. Wilson sought, and was granted, 12 months to pay both the fine and costs. Neither the payment of costs nor of the fine is a condition precedent to her continuing to practice.

10. No Notice to the Profession will be issued here.

Dated at Calgary, Alberta, January 31, 2018.

W. E. Brett Code, QC

Nancy Dilts, QC

Glen Buick