

**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 PAUL FORBES
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Hearing Committee

Buddy Melnyk – Chair
Schuyler Wensel, QC – Lawyer Adjudicator
Dr. Nick Tywoniuk – Public Adjudicator

Appearances

Karen Hansen – Counsel for the Law Society of Alberta (LSA)
Joe Miller – Counsel for Paul (Jason) Forbes

Hearing Date

July 30, 2018

Hearing Location

LSA office, at 800, 10104 - 103 Avenue, Edmonton, Alberta

HEARING COMMITTEE REPORT

Overview

1. On July 30, 2018, the Hearing Committee (Committee) convened a hearing into the conduct of Jason Forbes, based on two citations:
 - 1) It is alleged that Jason Forbes failed to disclose to B.W. and K.W. that he was in a conflict of interest as his firm represented their tenant J.K. and that such conduct is deserving of sanction; and
 - 2) It is alleged that Jason Forbes acted in a conflict of interest in advising J.K. as to his rights under the Lease and Right of First Refusal between J.K. and B.W. and K.W. and that such conduct is deserving of sanction.

Preliminary Matters

2. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested, so a public hearing proceeded.
3. The jurisdiction of the Committee was established by Exhibits 1, 3, 5, 7 and 8, consisting of the letter of appointment of the Committee, the Notice to Solicitor pursuant to section 59 of the *Legal Profession Act*, the Notice to Attend to Mr. Forbes, the Certificate of Status of Mr. Forbes with the LSA, the Certificate of Exercise of Discretion and the Affidavit of Service.
4. This hearing was consolidated with another hearing, Hearing HE20170247. At the outset of the hearing, Exhibits 1 through 14 were entered into evidence in the hearing. However, other than Exhibits 1,3,5,7, 8, and 14 (the Conduct Committee Panel Minutes related to Mr. Forbes), all the other evidence on the record related to the other hearing.

Decision

5. In accordance with a settlement arrangement arising from a mediation with the PHC Chair on July 16, 2018, the Law Society did not call any evidence in the matter involving the complaint against Mr. Forbes.
6. Accordingly, the Committee dismisses the citations against Mr. Forbes.

Dated at Edmonton, Alberta, August 1, 2018.

Buddy Melnyk – Chair

Schuyler Wensel, QC – Lawyer Adjudicator

Dr. Nick Tywoniuk – Public Adjudicator