

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

**Single Bencher Hearing Committee**  
Walter Pavlic, QC - Bencher

**Appearances**  
Christine Blair - Counsel for the Law Society of Alberta (LSA)  
Ms. Warne - Self-represented

**Hearing Date**  
November 1, 2017

**Hearing Location**  
800,10104 - 103 Avenue, Edmonton, Alberta

**HEARING COMMITTEE REPORT**

**Jurisdiction, Preliminary Matters and Exhibits**

1. On November 1, 2017, a Single Bencher Hearing Committee (Committee) convened at the office of the LSA to determine the appropriate sanction in relation to the Ms. Warne's conduct, as set out in the Statement of Facts and Admission of Guilt dated July 31, 2017.
2. Ms. Warne and counsel for the LSA were asked whether there were any objections to the constitution of the Committee. There were no objections to the identity of the Bencher hearing the submissions, on the grounds of bias or otherwise and the hearing proceeded.
3. The hearing was held in public.

4. The jurisdiction of the Committee was established by Exhibits 1 through 4, consisting of the Letter of Appointment of the Committee, the Notice to Solicitor pursuant to section 60 of the *Legal Profession Act*, the Notice to Attend to the Member and the Certificate of Status of the Member with the Law Society of Alberta.

### **Statement of Facts and Admission of Guilt**

5. The Statement of Facts and Admission of Guilt is attached hereto as Exhibit A (the "Agreed Statement"). This Agreed Statement was found to be in an acceptable form by a Conduct Committee Panel on September 13, 2017, and therefore the hearing was convened by a single Benchler pursuant to section 60(3) of the *Legal Profession Act*.
6. Pursuant to section 60(4) of the *Legal Profession Act*, after a statement of admission of guilt is accepted by the Conduct Committee, it is deemed to be a finding of the Hearing Committee that the lawyer's conduct is conduct deserving of sanction. After hearing submissions by counsel for the LSA and Ms. Warne and confirming Ms. Warne's understanding that the Committee was not bound by the Joint Submission on Sanction, the Committee noted that the Agreed Statement of Facts and the Admission of Guilt constituted a finding of conduct deserving of sanction on two citations pursuant to s. 49 of the *Legal Profession Act*.
7. The only question for determination by the Committee is one of appropriate sanction.

### **Discussion on Sanction**

8. The LSA noted that the parties had agreed to a Joint Submission on Sanction, being a verbal reprimand, and a payment of hearing costs in the amount of \$6,536.00 (which was approximately half of the actual costs) within four months.
9. The LSA noted that this was Ms. Warne's first disciplinary matter, and that she has no disciplinary record. She admitted her guilt early in the process and was cooperative and candid throughout the investigation and review process. The LSA also noted that Ms. Warne is now participating with the Practice Management program.
10. Ms. Warne made no additional submissions on sanctions at the hearing, other than confirming that four months was being sought for the payment of costs.
11. The Committee notes that Ms. Warne in mitigation had freely admitted her error after reporting the matter. The approach taken by both Ms. Warne and the LSA in dealing with this matter through a Single Benchler hearing avoided an unnecessary contested hearing, witness inconvenience, and process costs. This is commendable.

12. The Committee found the Joint Submission on Sanction to be acceptable. It was not unfit or unreasonable or contrary to the public interest.

### **Concluding Matters**

13. A reprimand was issued orally at the hearing as follows:

**Ms. Warne, I trust you appreciate and understand that lawyers perform a critical role in society. Clients rely and trust their lawyer. They expect a lawyer will inform them of the proceedings as they take place for obvious reasons. In particular, in this case, so that they can comply with Court orders.**

**By failing to keep your client advised, you are failing your client and creating a problem for yourself when there was really no need to do so. What you effectively did is you made your client's problem your problem, and I trust through the Practice Management program you'll be able to avoid that going forward.**

**I could speculate why you repeatedly failed to advise your client of the circumstances. I don't know if anything would be gained by that. I know often times people end up in a situation where they don't tell a client; they don't reveal some information; and that just spirals down into the next step; to the next step; to the next step; and pretty soon you end up here.**

**So I trust that you have learned from this experience and appreciate that you have a positive obligation to inform a client good news or not. You clearly didn't do that. You're a relatively junior member of the Bar, and I think that this is a good learning experience for you. Hopefully we'll never have to deal with this situation again.**

**And, you know, please keep in mind that there's nothing – nothing wrong in any way, shape, or form with telling a client that they have to comply with an order or that they failed to do something because then the onus is on them to do it and you've done all you can.**

**But by not revealing this information, you found yourself an unhappy client and brought the reputation into disrepute.**

**I trust that won't be happening again.**

14. Ms. Warne has four months to pay the costs.

15. Hearing exhibits shall be made available to the public, with the exception that they shall be redacted to prevent the disclosure of confidential or privileged information.
16. There shall be no Notice to the Profession issued.
17. There will be no Notice to the Attorney General.

Dated at the Edmonton, Alberta, February 13, 2018.

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**Walter Pavlic, QC**

## EXHIBIT A

IN THE MATTER OF THE *LEGAL PROFESSION ACT*

AND

IN THE MATTER OF A HEARING INTO THE CONDUCT

OF JAIMIE WARNE,

A MEMBER OF THE LAW SOCIETY OF ALBERTA

### **STATEMENT OF ADMITTED FACTS AND ADMISSION OF GUILT**

#### **INTRODUCTION**

1. I was admitted to the Law Society of Alberta (“LSA”) on October 7, 2011.
2. I practice in Peace River. My practice is primarily matrimonial/family law matters.
3. The following conduct is being referred to a Hearing:
  1. It is alleged that Jaimie Warne failed to serve her client, R.G., and that such conduct is deserving of sanction; and
  2. It is alleged that Jaimie Warne failed to fulfill her commitment to ensure personal service on her client, R.G., and that such conduct is deserving of sanction.

#### **FAILURE TO SERVE HER CLIENT/ FAILURE TO FULFILL COMMITMENT TO ENSURE PERSONAL SERVICE**

4. I was retained by R.G. in March 2014 to represent him in a divorce matter. On September 30, 2014 I requested R.G. prepare his financial disclosure. In October 2014 the opposing party filed a Notice to Disclose Application which I sent to R.G. on October 16, 2014, along with a request that he provide me with the remaining documentation required. R.G. subsequently provided me with financial documents contained in a shoe box and a Ziploc bag. On October 29, 2014 opposing counsel provided me a list of the outstanding items required for R.G.’s disclosure to be complete. **[EXHIBIT 1, TAB 9]**
5. On January 5, 2015 opposing counsel emailed me requesting the outstanding items required for R.G.’s disclosure. On March 31, 2015 opposing counsel emailed me requesting the outstanding items required for R.G.’s disclosure. On April 27, 2015 opposing counsel emailed me requesting the outstanding items required for R.G.’s disclosure. **[EXHIBIT 1, TABS 12, 14, and 16]**
6. On May 4, 2015 I advised R.G. of the list of outstanding documents required for the disclosure. **[EXHIBIT 1, TAB 18]**

7. On September 16, 2015 opposing counsel asked me for R.G.'s outstanding disclosure failing which she would have the matter returned to Court. When the outstanding documents were not provided the matter was set to return to Court on October 1, 2015. **[EXHIBIT 1, TAB 44, P.4]** Prior to October 1, 2015 I did not contact R.G. to discuss the outstanding disclosure.
8. I attended Court on R.G.'s behalf on October 1, 2015 at which time I consented to an Order that directed R.G. to provide the itemized outstanding disclosure by October 30, 2015 failing which R.G. would attend in person on November 5, 2015 to explain why he should not be held in contempt. I advised the Court that I would arrange personal service of the Order on R.G. **[EXHIBIT 1, TABS 23 and 24]** I did not contact R.G. following the Court to advise him of the outcome of the appearance nor did I request the outstanding disclosure documents from him.
9. On October 9, 2015 opposing counsel sent me a draft form of Order. After several enquiries from opposing counsel concerning the status of the Order and its service on R.G., I sent a copy of the draft Order to her on November 4, 2015. **[EXHIBIT 1, TAB 44]**
10. Prior to November 5, 2015 I did not contact R.G. to discuss his outstanding disclosure. On November 5, 2015 I attended Court on behalf of R.G. and advised the Court that the October 1, 2015 Order had not been filed nor served on R.G. I consented to the terms of this Order being extended to November 26, 2015 thereby ordering R.G. to provide the itemized outstanding disclosure by November 23, 2015 failing which he would appear in person on November 26, 2015 to show cause why he should not be held in contempt. **[EXHIBIT 1, TAB 25]**
11. On November 7, 2015 I sent correspondence to R.G. advising him of my attendance at Court on November 5, 2015 and that the remaining disclosure was required by November 23, 2015. I also advised him of my belief that I had the disclosure required. I did not advise R.G. of the requirement to personally attend Court on November 26, 2015. I did not personally serve R.G. with the November 5, 2015 Order. **[EXHIBIT 1, TAB 27]**
12. On November 26, 2015 I attended Court on behalf of R.G. and advised the Court he had not yet provided all of his disclosure. The Court ordered a cost penalty against R.G. for \$350.00 and provided him 30 days to perfect the outstanding disclosure after which he would incur a penalty of \$100.00 per day to a maximum of \$3,500.00. The Order listed the four disclosure items that remained outstanding. **[EXHIBIT 1, TABS 28 and 30]**
13. On November 29, 2015 I sent correspondence to R.G. in which I enclosed a copy of the Order granted on November 26, 2015. I advised him of my position that we had provided the requested disclosure. I did not contact R.G. to explain the content and consequences of the Order. **[EXHIBIT 1, TAB 31]**
14. On November 30, 2015 I emailed R.G. advising him opposing counsel had requested further information from him and that his spouse was not willing to enter settlement negotiations prior to receiving the information. I advised him I would follow up with him on December 3, 2015. I did not follow up with R.G. **[EXHIBIT 1, TAB 45]**

15. On January 15, 2016 the costs for R.G.'s failure to provide his disclosure started to accumulate and on February 29, 2016 opposing counsel filed a garnishee summons against him for the sum of \$4,450.00. **[EXHIBIT 1, TAB 49]**
13. On April 5, 2016 R.G. informed me that he had retained new legal counsel and a Notice of Change of Representation was filed on April 11, 2016.

## **CONCLUSION**

20. I admit as fact the statements contained within this Statement of Admitted Facts and Admission of Guilt for the purposes of these proceedings.
21. I admit that my conduct set out herein was conduct deserving of sanction, being incompatible with the best interests of the public and tending to harm the standing of the legal profession generally. I further admit guilt to the following citations:
  1. It is alleged that Jaimie Warne failed to serve her client, R.G., and that such conduct is deserving of sanction; and;
  2. It is alleged that Jaimie Warne failed to fulfill her commitment to ensure personal service on her client, R.G., and that such conduct is deserving of sanction.

**ALL OF THESE FACTS ARE ADMITTED THIS 31 DAY OF July, 2017.**

**“Jaimie Warne”**

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**JAIMIE WARNE**