

**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 BRANT FIELD
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Single Bencher Hearing Committee

Jim Lutz – Chair

Appearances

Christine Blair – Counsel for the Law Society of Alberta (LSA)
Brant Field – Self-Represented

Hearing Date

March 26, 2018

Hearing Location

LSA Office, at 500, 919 – 11th Avenue SW, Calgary, Alberta

HEARING COMMITTEE REPORT

Overview

1. Mr. Field was retained by Z.R. in January 2016 in a family law matter. On October 20, 2016, Mr. Field attended at the Provincial Court of Alberta on behalf of Z.R. and the Court granted an interim order concerning child support and parenting time.
2. Following the appearance, Mr. Field drafted the form of order, however, he did not submit the order for filing. In correspondence to Z.R. via e-mail, Mr. Field advised that the order had in fact been submitted, when it had not. The matter was then reported to the Law Society, and ultimately referred to a hearing.
3. After reviewing all of the evidence and exhibits, and hearing the representations from counsel for the LSA, this Hearing Committee (Committee) determined that the following sanction was appropriate: a reprimand to be delivered by the Chairman of the Committee and payment of costs as set out below. The decision and reprimand were delivered orally, with written reasons to follow.

Preliminary Matters

4. On January 14, 2018, Mr. Field signed an Agreed Statement of Facts and Admission of Guilt (Agreed Statement). On February 13, 2018, the Conduct Committee found the Agreed Statement to be acceptable, as contemplated in subsection 60(2) of the *Legal Profession Act* (the *Act*).

5. As provided by subsection 60(3) of the *Act*, once the Agreed Statement was accepted by the Conduct Committee, the hearing into the appropriate sanction could be conducted by a single Bencher. Accordingly, I was appointed as the Committee and, on March 26, 2018, convened a hearing into the appropriate sanction related to the conduct of Mr. Field.
6. 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 the appropriate sanction proceeded.

Agreed Statement of Facts and Agreed Exhibit Book

7. At the start of the hearing, the Committee was provided with an Agreed Exhibit book, which included the Agreed Statement (Exhibit 6) and evidence relevant to sanctioning, such as Mr. Brant's disciplinary record with the LSA (Exhibit 8).
8. To summarize the Agreed Statement, Mr. Field agreed that his conduct in failing to submit the order for filing and misleading his client, Z.R., was conduct deserving of sanction.
9. Once accepted by the Conduct Committee, pursuant to subsection 60(4) of the *Act*, it is deemed to be a finding of this Committee that Mr. Field's conduct is deserving of sanction in relation to the following citation:
 - 1) It is alleged that Brant W. Field misled his client, Z.R. when he advised him that an Order had been submitted for filing when in fact, the Order had not been submitted for filing, and that such conduct is deserving of sanction.

Joint Submissions on Sanction

10. The LSA and Mr. Brant made joint submissions on sanction.
11. Ms. Blair noted that Mr. Field had no prior disciplinary record and he thoroughly cooperated with the LSA, saving time and resources. She submitted that it was reasonable, fit and not contrary to the public interest that Mr. Field be sanctioned with a reprimand and be required to pay one-half of the hearing costs, in the amount of \$446.25, within 1 year.
12. Mr. Field was asked to make submissions on the suggested punishment. He agreed with counsel for the LSA on the sanction proposed.

Decision on Sanction

13. The Committee discussed with counsel for the LSA and Mr. Brant the importance of Joint Submissions and how, though the Committee is not bound by Joint Submissions, it is required to give serious consideration to a Joint Submission. The Joint Submission should not be lightly disregarded and should be accepted unless it is unfit or unreasonable, contrary to the public interest, or there are good and cogent reasons for rejecting it.
14. A reprimand and payment of costs have the effect of specific and general deterrence, both to Mr. Field and other members, and reflects the high standards to which members of the LSA must be held.

15. The approach taken by both Mr. Field and the LSA in dealing with this matter through a single Bencher hearing also avoided an unnecessary contested hearing, witness inconvenience and process costs.
16. Thus, given all of the above, the Committee found the joint submission on sanction acceptable, and ordered that Mr. Brandt be reprimanded and that he pay to the LSA one-half of the hearing costs, on or before March 26, 2019.
17. The Chairman delivered the following reprimand:

Mr. Field, your conduct in regards to the complaint in this matter is cause for concern. You have a responsibility to the members of the public and to the Law Society to represent their best interest. You failed in this case.

This failure represents the type of thing that the Law Society strives to avoid. And the confidence we need to instill in the public is that we have to ensure that they believe and know that they will be treated, by our members, conscientiously and honestly. You failed in this case. You must do better.

As a Member of this Law Society, you will be expected to look at what you have done to determine whether or not you can improve on what's happened, learn from this particular matter, and, of course, to move forward.

But again, holding this office requires you to understand the obligation you have to the public and to the Law Society and to its Members. And you, as an example of that, to be that type of exemplary individual who represents those interests.

So, I hope, from today's appearance, that you can do more for yourself, and I require you to do more for the members of the public that you serve.

I wish you good luck, Mr. Field, in your continued work. I hope you can learn from this particular matter and we can move forward from it.

18. No further conditions were imposed.

Concluding Matters

19. The LSA submitted that it was not necessary to give Notice to the Profession. The Committee agrees it is not necessary in these circumstances, and so no Notice to the Profession is directed.
20. Counsel for the LSA also advised the Committee that the sections requiring notice to the Attorney General were not applicable on these facts; the Committee agreed. No Notice to the Attorney General is required.
21. 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)).

Calgary, Alberta, April 19, 2018.

Jim Lutz