

Clayton Bruce Williams

Kelowna, BC

Called to the bar: May 20, 1994

Discipline hearing : November 8, 2010

Panel : Gavin Hume, QC, Chair, Haydn Acheson and Thelma O'Grady

Report issued : December 22, 2010 (2010 LSBC 31)

Counsel : Maureen Boyd for the Law Society and Henry Wood, QC for Clayton Bruce Williams

Facts

Clayton Bruce Williams represented a client in legal matters arising from the expansion of some commercial property. He took instructions from a principal of the client. The principal resided in Halifax.

On September 4, 2009, the principal instructed Williams to immediately file a claim of builders lien on the property. Due to the differences in time zones between Halifax and Kelowna, there was some time pressure to complete the filing. Williams registered a lien against title to the property that day.

On September 9, 2009, the principal instructed Williams to remove the lien immediately. On the morning of September 10, he advised the principal that he would email a form of release that the principal would need to sign and return. He also told the principal that he would file an electronic release of the lien on the principal's agreement to send the original to him.

Later that day, Williams received an emailed copy of the release of lien, which was signed by the principal, but his signature was not properly executed and witnessed. Due to the sense of urgency, he applied his electronic signature to the release of lien form and submitted it electronically to the Land Title Office, even though he knew that the release did not satisfy the requirements of the Land Title Act.

On October 20, 2009, Williams wrote to the Law Society and self-reported his conduct.

Admission and Penalty

Williams admitted that he applied his electronic signature to an electronic document for filing in the Land Title Office when he knew a true copy of the document had not been properly executed and witnessed in accordance with the Land Title Act. He further admitted that his conduct constituted professional misconduct.

The panel stated that the electronic submission of improperly executed documents must be viewed as serious. As officers under the Land Title Act, lawyers play a key role in ensuring the integrity of transfer documents and safeguarding the system from fraud. Williams made a bad decision on the basis of expediency and client pressures.

Williams is also an example, however, of how a lawyer can exercise integrity and professionalism to take ownership of a mistake. His candid acceptance of responsibility, his self-reporting and his acceptance of the consequences to his professional reputation demonstrated a high level of integrity.

The panel concluded that Williams was guilty of professional misconduct and ordered that he:

1. be reprimanded; and

2 pay \$2,000 in costs.