

2012 : No. 1

Paul Cameron Wilson

Vancouver, BC

Called to the bar: July 12, 1983

Discipline hearing : September 27, 2011

Panel : Thelma O'Grady, Chair, Leon Getz, QC and Gregory Petrisor

Report issued : February 02, 2012 (2012 LSBC 06)

Counsel : Jaia Rai for the Law Society and Robin McFee, QC for Paul -Cameron Wilson

Facts

Although Paul Cameron Wilson practised as a solicitor in the field of environmental and energy law, he agreed to meet with a client on short notice to take instructions for a will, prior to the client undergoing surgery.

The will was prepared by another lawyer in Wilson's firm, and the client executed the will prior to the surgery. The will appointed Wilson as executor and trustee, and appointed the lawyer who prepared the will as alternate executor.

Following the client's surgery, Wilson provided non-legal services to the client, including assisting her with errands and arranging for transportation to and from medical appointments. When a medical assessment concluded that the client was not capable of living independently or handling her own affairs, Wilson filed a petition in the Supreme Court of BC and was appointed committee of the person and estate of the client. He engaged the services of a 24-hour home care agency and arranged for payment of the client's bills and expenses.

The client passed away on October 8, 2003. For six years afterward, Wilson did not make an application for the grant of probate, nor did he renounce his executorship. As a result, the client's estate was not probated. Wilson continued arranging for payments to be made for the upkeep and securing of the client's home and property.

During this six-year period, Wilson also did not file tax returns for the client's estate, even though he knew the estate was earning income.

Between 2003 and 2008, a friend of the client communicated with Wilson on a number of occasions regarding the status of the application for the grant of probate. Despite these communications, Wilson did not advise the friend that she was a beneficiary under the will.

On November 7, 2008, the friend emailed Wilson to further express her concerns regarding his failure to dispose of the client's estate and the deplorable condition of the client's residence.

In December 2008, the friend made a complaint to the Law Society alleging delay and inactivity by Wilson concerning the application for the grant of probate and failure to respond to her inquiries.

Wilson had made some attempts to determine the requirements to make the application for grant of probate in 2003, and later in 2008 and 2009, but he did not follow through with those attempts. He did not take any effective steps to advance the matter until November 2009 when he retained a lawyer practising in the area of wills and estates with another firm.

On the advice of his lawyer, Wilson renounced his executorship on March 11, 2010. He continued working with the chartered accountant he had retained to finalize the outstanding tax returns, and those were filed on March 31, 2010 for the years 2005 through 2009.

On June 21, 2010, the court appointed a trust company for the client's estate, and accordingly, Wilson's powers and obligations as committee ceased.

admission and DISCIPLINARY ACTION

Wilson admitted early in the Law Society's investigation that the complaint was valid and that he had not obtained probate of the will. He admitted that he had engaged in conduct unbecoming a lawyer. The panel acknowledged that Wilson had taken steps to redress the wrong.

The panel accepted Wilson's admission and ordered that he pay:

1. a \$4,500 fine; and
2. \$3,000 in costs.