

THE LAW SOCIETY OF MANITOBA

IN THE MATTER OF:

JAMES GRAEME EARL YOUNG

- and -

IN THE MATTER OF:

THE LEGAL PROFESSION ACT

RESOLUTION

MADE MAY 19, 2017

THE LAW SOCIETY OF MANITOBA

IN THE MATTER OF:

JAMES GRAEME EARL YOUNG

- and -

IN THE MATTER OF:

THE LEGAL PROFESSION ACT

Having heard and read the evidence of the parties in this matter presented on January 23, 24, 25, 26 and 27 and on February 8 and the submissions of counsel on the evidence on March 17 and March 20, 2017, we hereby find and resolve that:

1. James Graeme Earl Young (hereinafter "the Member"), as admitted, misappropriated the monies of CCI MB Inc. held in trust on July 4, 2011, September 4, 2012, December 31, 2012 and June 28, 2013 and that these misappropriations constituted professional misconduct.
2. The Member, as admitted, failed to honour a trust condition imposed upon him with respect to funds sent to him by the firm of Hill Sokalski Walsh Trippier LLP when, on June 28, 2013 he caused a portion of the funds to be paid to the firm where he was practicing on account of fees and disbursements without delivering a cheque to the firm of Hill Sokalski Walsh Trippier LLP as stipulated in the trust condition and that this breach of a trust condition constituted professional misconduct.
3. The Member, as admitted, misappropriated trust funds on September 23, 2011 and on June 21, 2012 which funds on the dates in question were being held in trust by the firm with which he was then practicing pending the completion of services related to the Estates of WA and SA and that these misappropriations constituted professional misconduct.

4. It has not been proven that upon the passing of accounts of the Estates of WA and SA, the Court declared that no further accounts of the law firm of CM, with which the Member was associated when he performed most of the work he did for the Estates of WA and SA, could be paid.

5. The Member, as admitted, misled his clients Ms. EL and Ms. BA in that he induced them to send to him monies for services for the Estates of WA and SA which he stated would be held by him in trust until the accounts of the Estates in question had been passed and some of which he said would be applied to accounts in connection with a guardianship matter but, in the event, portions of said monies he misappropriated without the accounts of the Estates having been passed, which misleading statements constituted professional misconduct.

6. The Member, as admitted, failed to honour trust conditions imposed upon him by the firm of CM with respect to monies of the Estates of WA and SA in that he did not proceed with dispatch to have the accounts of the Estates passed, did not pay an account of the firm of CM and did not inform Ms. BA fully with respect to the allocation of the funds sent to him and such breach of trust conditions constituted professional misconduct.

7. The Member, as admitted, failed to comply with an undertaking given by him on April 24, 2014 to the Law Society of Manitoba in that, with respect to his clients Mr. SD and Ms. SC, he failed after May 5, 2014 to document all communications with his clients, failed to record his time, and failed to document on the file electronic transfers of funds to himself personally and that such breach of an undertaking constituted professional misconduct.

8. The Member, as admitted, failed to comply with the undertaking given by him on April 24, 2014 to the Law Society of Manitoba in that, with respect to his client Ms. LY, he failed after May 5, 2014 to document all communications with Ms. LY and that such breach constituted professional misconduct.

9. The Member, as admitted, failed to comply with the undertaking given by him on April 24, 2014 to the Law Society of Manitoba in that, with respect to his client Mr. TS, he failed after May 5, 2014 to document meetings and telephone communications with

his client and failed to record all of the time spent on his client's file and that such breach constituted professional misconduct.

10. The motion made by the Member on March 17, 2017 that the charges advanced in paragraphs 6 and 8 of the Citation dated March 29, 2016 be dismissed on a summary basis on the grounds that the evidence tendered by the Law Society of Manitoba was so weak that it could not support a conviction is dismissed.

11. The allegations in paragraph 6 of the Citation dated March 29, 2016 that the Member misappropriated monies sent to him personally by his clients Mr. SD and Ms. SC on June 21, 2014, August 1, 2014 and December 3, 2014 have not on a balance of probabilities been proven after considering all of the evidence presented with respect to them and accordingly the charge of misappropriation in paragraph 6 is dismissed.

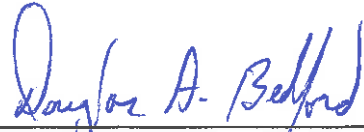
12. The allegations in paragraph 8 of the Citation dated March 29, 2016 that the Member knowingly provided false information to the Law Society of Manitoba regarding his receipt of monies from his clients Mr. SD and Ms. SC have not on a balance of probabilities been proven after considering all of the evidence presented with respect to them and accordingly the charge in paragraph 8 of providing false information to the Law Society is dismissed.

13. The Member misappropriated the sum of \$2,500.00 from his client Ms. LY on March 19, 2015 as alleged in paragraph 9 of the Citation dated March 29, 2016 and in doing so committed professional misconduct.

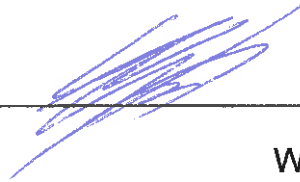
14. The Member gave false information to the Law Society of Manitoba in correspondence dated February 16, 2016 in that he stated his client Ms. LY gave him \$1,500.00 and not \$4,000.00 and that giving such false information to the Law Society of Manitoba constituted professional misconduct.

We will provide detailed reasons for the foregoing findings and resolutions.

DATED this 19th day of May, 2017.



Douglas A. Bedford, Chairperson



Wendy Stewart



Maureen Morrison