



The Law Society of Newfoundland and Labrador

P.O. Box 1028 St. John's, NL A1C 5M3

DISCIPLINARY NOTICE

TAKE NOTICE THAT an Adjudication Tribunal of the Disciplinary Panel of the Law Society of Newfoundland and Labrador, pursuant to the *Law Society Act, 1999*, found Owen Myers of St. John's, NL guilty of conduct deserving of sanction. The Adjudication Tribunal determined that Mr. Myers failed to keep the client informed of the status of the file, failed to attend hearing dates and failed to file documents in compliance with a Court Order, which conduct constitutes conduct deserving of sanction. The Adjudication Tribunal concluded that such conduct undermines the very essence of professional honesty, integrity and the duty owed to a client and therefore constitutes a breach of the Code of Professional Conduct.

The matter proceeded by way of a joint submission on the basis of an Agreed Statement of Facts. However, the parties had not agreed with respect to publication and this issue was determined by the Adjudication Tribunal. An excerpt from the Decision follows.

In terms of promoting a transparent and accountable regulatory process, the Adjudication Tribunal is of the view that subsections 49(2)(m) and 51(3) in the Act recognizes a range of conduct deserving of sanction and that conduct resulting in serious sanctions such as suspension, restrictions or disbarment, for the protection of the public, must be afforded the highest degree of transparency through publication of a summary of a decision in a newspaper. For conduct that does not meet the level of sanction set out in subsection 51(3) of the Act, it is left to the discretion of the Adjudication Tribunal to consider the appropriateness of a publication in the context of the mitigating factors. In this case, the Adjudication Tribunal is of the view that a publication would be appropriate only if the Respondent continues practice or returned to practice at a future date.

The Adjudication Tribunal ordered, pursuant to subsection 49(2) of the *Law Society Act, 1999* that:

1. Owen Myers is reprimanded;
2. With the exception of publication in a newspaper of local circulation, publication shall be in accordance with the Law Society Rules. Publication of a summary of the Decision in a newspaper of local circulation where Owen Myers practices, inclusive of the information

set out in subsection 51(4) of the *Act*, shall be published only in the following circumstances:

- (i) if Owen Myers as of the date of this Decision has not retired and continues practicing law, publication shall in in accordance with the timeline specified in subsection 51(3) of the *Act*; or
 - (ii) if Owen Myers as of the date of this decision no longer has practicing status but returns to practice at some future date, a summary of the Decision shall be published within fourteen (14) days of Mr. Myers' return to practicing status;
3. There shall be no order as to costs;
 4. This Order shall take effect upon service in accordance with Law Society Rule 9.14.