

PUBLIC NOTICE

LAWYER FRAUDS AND THEFTS PUBLIC LAW SOCIETY CEO CLAIMS POLICE UNDER RESOURCED TO INVESTIGATE AND CHARGE HIS MEMBERS

idence in Sinclair's trust accounts that money -- \$3 million -- had been stolen. Did they call the police? No. It's against the law, due to section 49.12.

A vault closed around the investigation. Victims were asked to give statements, but the Law Society did not tell them what was happening. This went on for three years. Victims received confusing advice from various sources. One, for example, was told by another lawyer not to go to police because it would make it harder to get his money back.

Some victims did contact Halton Regional Police. Victims say detectives told them that

'For six months, the law society would not talk to us. They would not return our phone calls'

OPP Detective David Shantz

they would have to wait for the Law Society to complete its investigation. The Star found that it takes an average of 3.5 years from time of complaint to resolution for a case like Sinclair's. During this time, the evidence of a lawyer's fraud sits in boxes and on computer disks at the Law Society's downtown Toronto offices.

In April, 2003, the Law Society had a hearing and disbarred Sinclair, meaning that he cannot practise as a lawyer in Ontario. Sinclair and the Law Society agreed in writing that he had "misappropriated" \$3 million.

Two Halton detectives were at the hearing. They told victims to keep in touch. Now, two-and-a-half years

later, Halton Region police have told the Star they are investigating but can't release any details. Victims say they don't believe it, and they have not heard from police.

Meanwhile, Sinclair's victims have clamoured for their money for years. In addition to the money stolen, many incurred substantial legal expenses fighting Sinclair in civil court while the Law Society completed its secrecy-shrouded investigation.

For example, Jacqueline Gowland hired a new lawyer and it cost her \$20,000 in legal fees to get a judgment against Sinclair for the money owing.

The Georgian Green property was eventually sold by Sinclair's Swiss client to another investor. Many of Sinclair's victims had registered liens against the property. Some money has been paid back, some is outstanding.

Sitting on the sofa in his neat-as-a-pin home in Oakville, Sinclair recently told the Star that he did nothing wrong.

"There was no theft," Sinclair said, adding that nobody lost money.

Star reporters showed Sinclair the agreed statement of facts that set out his crimes; and told him that victims were angry; it took some seven years to recoup the money; and some were still out of pocket. Sinclair altered his position, a friendly smile on his face at all times.

"People will get their money back eventually, with interest," Sinclair said.

He now runs an Internet site (www.wills-net.com) out of his Oakville home. Clients are offered a will writing service. It's a "web site started by lawyers", the home

page says, perhaps reflecting the fact that he was a lawyer back in 2000 when he first started offering the online service through his Milton practice.

In an interview, Sinclair said he is "very careful not to practise as a lawyer"

Malcolm Heins, the chief executive officer of the Law Society, said cases of lawyers who break the law are treated very seriously.

"We have a public trust. We have privileges that come with the designation, with the call to the bar. All lawyers are distressed when something like this happens," said Heins. Asked why the Sinclair and other cases do not result in a criminal prosecution, Heins suggests that police are "under resourced" when it comes to white-collar crime. "White-collar crime is an arduous investigation and prosecution. It takes a lot of time and a lot of money. Priorities in police forces I think are directed in other directions."

Police interviewed by the Star disagreed with Heins. Detective Sergeant Gary Logan, of Toronto Police Service's Fraud and Forgery Squad said they are busy but they never turn a valid complaint away. "This is our job. We don't pick and choose," said Logan. Instead, he sees the problem being organizations not bringing cases forward.

"If it is never brought forward to us, then how would we know?" That, I see as a problem. If people are conducting investigations and people are out there and they see clearly criminal conduct and there is nothing being done, I would be very concerned about the organization - any organization."

Still, Heins said he was surprised that Sinclair had not been prosecuted by police. "There's

The ministry is satisfied that the structures and procedures in place at the Law Society to consider and address the concerns of individuals about lawyers, for example the office of the complaint commissioner, are adequate to address the public interest.

Best Regards

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