

2024

NOVA SCOTIA BARRISTERS' SOCIETY

IN THE MATTER OF: The *Legal Profession Act*, S.N.S. 2004, c. 28 and the *Regulations* of the Nova Scotia Barristers' Society, as amended

IN THE MATTER OF: Robert Ferguson Ford, Barrister and Solicitor, Province of Nova Scotia

RESOLUTION

WHEREAS on March 22, 2024, the Complaints Investigation Committee (“**CIC**”) resolved to hold a hearing on March 27, 2024, pursuant to section 37(1) of the *Legal Profession Act*, to determine whether it is in the public interest to suspend Robert Ferguson Ford’s practicing certificate or impose conditions or restrictions on his practice.

AND WHEREAS that hearing date was adjourned to enable Mr. Ford to retain and instruct counsel.

AND WHEREAS the hearing was rescheduled to April 15 and April 19, 2024.

AND WHEREAS at the reconvened hearing, the **CIC** heard representations from legal counsel for the Nova Scotia Barristers’ Society (the “**Society**”), legal counsel for Mr. Ford, and evidence from Mr. Ford.

AND WHEREAS the parties agree to and consent to the terms of this Resolution.

NOW THEREFORE THE CIC RESOLVES AND ORDERS AS FOLLOWS:

1. It is in the public interest for Robert Ferguson Ford to be subject to the following practice restrictions and conditions in accordance with the provisions of section 37(1)(b) of the *Legal Profession Act*:

a) Estate Matters:

- i. With respect to any legal work regarding estate matters:
 - Mr. Ford will not take on any new legal work regarding estates without permission of the Society
 - Mr. Ford will provide the Society and his practice supervisor with a status update and a plan to complete his existing estate files within two weeks of the appointment of a practice supervisor.
- ii. On any existing matter where Mr. Ford is acting in a representative capacity, as defined in *Regulation 10.1.2* (i.e., in circumstances where he is not providing any legal services), he shall document same in accordance with regulation 10.1.4.
- iii. Mr. Ford, unless acting in a representative capacity as defined in *Regulation 10.1.2*, shall maintain all estate funds he receives in this capacity in a trust account, in accordance with the *Regulations* regarding trust accounts.
- iv. With respect to any future matters, Mr. Ford will not act as an Executor or in a representative capacity, unless approved by the Society.

b) Repayment of Funds

- i. Mr. Ford will reimburse the [REDACTED] Estate in the amount of \$3,950.00 on or before June 1, 2024.

c) Investigation and Practice Review

- i. Mr. Ford will co-operate with the Society with respect to their ongoing investigation.
- ii. Mr. Ford will co-operate with a practice review to be conducted by Michael Brooker K.C., or such other person appointed by the Society for this purpose.

- iii. Mr. Ford agrees, unless otherwise authorized by the Society, he will follow all recommendations set out in the Practice Review Report, to the best of his ability. If unable to carry out the recommendations, he shall advise the Society and include an explanation as to why he can not comply.
- iv. Mr. Ford will cooperate with the Society with respect to any further financial audits of his practice and he will follow all recommendations set out in the March 1, 2024 audit report and subsequent audits to the best of his ability. If unable to carry out the recommendations, he shall advise the Society and include an explanation as to why he cannot comply.

d) Practice Supervisor

A practice supervisor, acceptable to, and paid for by the Society, will be retained to supervise Mr. Ford's Law Practice and to do the following:

- i. Conduct an initial meeting with Mr. Ford within 2 weeks of appointment to review his files. The practice supervisor shall identify any relevant regulatory, ethical or practice management issues, assess his compliance with trust account obligations and determine a plan for addressing any identified issues.
- ii. Meet regularly with Mr. Ford, as determined necessary by the practice reviewer, to ensure that Mr. Ford is complying with the regulatory and ethical requirements, properly managing his practice and complying with all regulatory obligations regarding trust monies held by him.
- iii. Unless otherwise directed by the Society, provide monthly reports confirming their ongoing supervision of Mr. Ford, and outlining any issues, concerns or progress by Mr. Ford with respect to the previously identified regulatory, ethical and practice management issues, and his ongoing compliance with the trust account requirements set forth in Part 10 of the *Regulations* and the *Code of Professional Conduct*.

e) Trust Account

- i. Mr. Ford shall confirm a lawyer, acceptable to the Society, to act as a second signatory on each of his trust accounts within two weeks of the date of this Resolution. Until the second signatory is appointed, he shall not make use of trust accounts.

- ii. Mr. Ford will not accept or continue an appointment as an Executor, personal representative or as a Proctor of an Estate where he is the sole signing authority on the Estate's accounts.

f) Investments

- i. Mr. Ford shall not engage in any investment activity on behalf of clients, without prior approval of his practice supervisor.

g) Publication

- i. The Society may, in their absolute discretion, publish a summary of these terms and conditions on their website.

2. Any breach of this Resolution and/or any new information that may come to the attention of the Society may result in the section 37(1) hearing being reconvened, and/or could result in the opening of a complaint with respect to Mr. Ford's failure to comply with the Resolution.
3. Nothing contained in this Resolution precludes the CIC from exercising any of its authority under the *Legal Profession Act* and/or *Regulations*.

Dated this 19th day of April 2024.

(Signed) _____

Scott Campbell, Chair
Complaints Investigation Committee