

**LAW SOCIETY TRIBUNAL
HEARING DIVISION**

BETWEEN:

Law Society of Ontario

Applicant

and

James Cooper Morton

Respondent

**NOTICE OF MOTION FOR INTERLOCUTORY SUSPENSION OR
RESTRICTION**

TO THE RESPONDENT:

THE LAW SOCIETY OF ONTARIO brings a motion under s. 49.27(1) of the *Law Society Act*, RSO 1990, c. L. 8, seeking to suspend and/or restrict the respondent's licence on the basis that there are reasonable grounds for believing that there is a significant risk of harm to members of the public, or to the public interest in the administration of justice, if the order is not made and that making the order is likely to reduce the risk.

The order requested, the grounds for the motion and the documentary evidence the Law Society will rely on at the hearing of the motion are set out below.

This Notice of Motion is served together with an Information Sheet that sets out the next steps in the proceeding.

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The motion is for:

1. An interlocutory order under s. 49.27 of the *Law Society Act* suspending the licence of James Cooper Morton or restricting the manner in which he practises law until the earliest of the following:
 - a) a panel varies or cancels the order; or
 - b) the panel presiding at the hearing on the merits of the proceeding to which this motion relates disposes of the proceeding;
2. Such further and other relief as the Society may request and the Hearing Division deems just; and
3. Costs of this motion.

The grounds for the motion are:

4. The respondent is a 58 year old lawyer licensed to practice in Ontario since 1988;
5. In April 2018, the respondent's articling student attended at the Newmarket Superior Court attempting to file divorce documentation for the respondent's divorce from his wife;
6. The divorce documentation is alleged to have been forged;
7. The respondent eventually obtained a Certificate for Divorce apparently based upon the forged divorce documentation;
8. The respondent participated in a marriage ceremony on May 12, 2018;
9. On June 26, 2018, the respondent surrendered himself at the York Regional Police Station and was arrested and charged. The Criminal Information alleges that in April and May 2018, the respondent:

Count 1: "...did knowingly commit forgery by making a false document, namely a Divorce Order, Form 25A dated September 25, 2017, where [the respondent] is listed as the Applicant and [RS] is listed as the Respondent and Justice Heather MCGEE's name is printed as the authorizing Judge and Justice BENNETT's signature is on the second page with the intention that it should be used or acted upon as if it were genuine to the prejudice of another person, contrary to Section 366(1)(a) of the *Criminal Code*."

Count 2: "...did knowingly commit forgery by making a false document, namely a Divorce Certificate Form 36B dated May 1, 2018 where [the respondent] is listed as the Applicant and RS is listed as the Respondent and the signature of the court clerk was Violet WINT, with the intention that it should be used or acted upon as if it were genuine to the prejudice of another person, contrary to Section 366(1)(a) of the *Criminal Code*."

Count 3: "... did, knowing a document, namely a Divorce Order and Certificate, to be forged, use, deal with or act on it as if it were genuine, contrary to Section 368, subsection (1.1) of the *Criminal Code*."

Count 4: "...did wilfully attempt to obstruct, pervert, or defeat the course of justice by by [sic] falsifying court documents to facilitate an unauthorized divorce, contrary to Section 139, subsection (2) of the *Criminal Code*."

Count 5: "...did sign a writing that purported to be an affidavit, namely a Marriage Licence Application and purported to have been sworn before Grace FENNEMA, knowing that he had no authority to administer the oath, contrary to Section 138, clause (a) of the *Criminal Code*."

Count 6: "...did unlawfully, being married to [RS], go through a form of marriage with [Jennifer], contrary to Section 291, subsection (1) of the *Criminal Code*."

Count 7: "...did procure a feigned marriage between himself and [Jennifer], contrary to Section 292, subsection (1) of the *Criminal Code*."

10. There are reasonable grounds to believe that there is a significant risk of harm to members of the public and/or to the public interest in the administration of justice if an order is not made suspending or restricting the respondent's license;

11. An interlocutory order suspending the license of the respondent or restricting the manner in which he practises law is likely to reduce the risk of harm;
12. Section 49.27 of the *Law Society Act*;
13. Rules 13 and 21 of the *Rules of Practice and Procedure*; and
14. Such further and other grounds as counsel may advise and the Hearing Division permit.

The Law Society will rely on the following documentary evidence at the hearing of the motion:

- (a) The affidavit of Brian Borg, sworn July 30, 2018; and
- (b) Such further and other materials as counsel may advise and the Hearing Division permit.