

THE LAW SOCIETY OF ALBERTA
RESIGNATION COMMITTEE REPORT

IN THE MATTER OF THE *LEGAL PROFESSION ACT*, R.S.A. 2000, C. L-8

AND

IN THE MATTER OF A RESIGNATION APPLICATION MADE BY

LESLIE R. MEIKLEJOHN

A MEMBER OF THE LAW SOCIETY OF ALBERTA

I. INTRODUCTION

1. Leslie Meiklejohn (the “Member”) applies for resignation pursuant to section 32 of the *Legal Profession Act*, R.S.A. 2000, c. L-8 (“LPA”). As the Member was the subject of a formal review under section 53 of the LPA, this Resignation Committee (“the Committee”) was constituted to hear the application.
2. The Committee comprised Darlene Scott, Chair, Robert Harvie, QC, Bencher and Robert Dunster – Lay Bencher. The Law Society of Alberta (“LSA”) was represented by Ms. Heather Spicer. The Member was represented throughout the hearing by counsel, Mr. Larry Carr, QC.

II. JURISDICTION

3. Jurisdiction is dependent on conduct being the subject matter of proceedings under Part 3 of the *Legal Profession Act* against the Member of the LSA and the appointment of the Resignation Committee under subsection 61(5) of the *Legal Profession Act*.
4. The Resignation Committee found that it had the jurisdiction to hear the resignation application of the Member established through the introduction of Exhibits 1 through 4.
 - Letter of Appointment of the Resignation Committee signed by the President of the Law Society of Alberta. (Exhibit 1)
 - Confirmation that Private Hearing Applications have been sent to Complainant and Interested Parties. (Exhibit 2)
 - Certificate of Status certifying the Member is a currently active member of the LSA. (Exhibit 3)
 - Confirmation that the Member has no discipline record with the Law Society of Alberta. (Exhibit 4)

III. PRELIMINARY MATTERS

5. The Chair disclosed to the hearing that one of the Complainants was a lawyer in the Calgary office of her firm. She advised she had no knowledge of the matter complained of and did not consider she would be biased in hearing the matter. She then inquired whether any party had any objection to the composition of the panel. Both counsel confirmed they had no objection to the composition of the panel.

IV. EXHIBITS

6. LSA counsel provided the panel with an Exhibit Book requesting the documents contained therein be entered as Exhibits into the record with the consent of the parties.
7. Exhibits 1 through 4 were entered into the record with the consent of the parties.
8. Additional Exhibits 5 and 6 were entered into the record during the course of the proceedings, with the consent of the parties:
 - Exhibit 5 – Member’s Materials.
 - Tab A, Application for Resignation.
 - Tab B, Statutory Declaration.
 - Tab C, Undertaking.
 - Tab D, Statement of Facts.
 - Exhibit 6 – Estimated Statement of Costs.

V. APPLICATION AND FACTS

9. The Member applies to resign pursuant to s. 32 of the LPA. He was admitted to the Bar of the Province of Alberta, on April 17, 1970.
10. A statutory declaration sworn by the Member on September 15, 2014 (Exhibit 5, Tab B), an Undertaking dated September 15, 2014 (Exhibit 5, Tab C) a signed Statement of Facts dated September 15, 2014 (Exhibit 5, Tab D) were tendered in support of the application.
11. The Agreed Statement of Facts are accepted for the purposes of this application.
12. These materials demonstrate that the Member:
 - a. breached numerous trust conditions and undertakings given by him to other members of the LSA;
 - b. failed to abide by the terms of Assignments served upon him which required him to pay \$100,000.00/unit from the sale proceeds arising from the sale of certain condominium units; and

- c. was not forthcoming with another member of the LSA regarding the true circumstances surrounding the sale of certain units and mortgage registrations against such units.
- 13. The Member acknowledges that if citations were directed and a Hearing Panel found him guilty of such citations, the possible sanction would be disbarment.
- 14. The Member has undertaken and agreed with the LSA to:
 - a. cooperate with the LSA in the future in respect to any claim made against the Member or the Assurance Fund;
 - b. pay to the LSA, on demand, the amount of claims paid on his behalf by the Law Society Assurance Fund or any deductible with respect to any claim paid on his behalf by the LSA's insurer; and
 - c. not to reapply to become a member of the LSA from the outset of the investigation.
- 15. The application to resign was made while proceedings were pending pursuant to Part 3 of the *Legal Profession Act*. No citations had yet been issued or considered.
- 16. The Member has no disciplinary record with the LSA.
- 17. The Member cooperated fully with the LSA.

VI. DECISIONS AND REASONS

- 18. The issue to be determined by the Committee is whether it is in the best interest of the public to permit the Member to resign prior to the resolution of his pending conduct matters. In its assessment, the Committee is guided by considerations of public interest, which include maintaining the confidence of the public in the legal profession.
- 19. The Law Society of Alberta supports the applications for resignation under Section 32, and the Committee is aware that a joint submission should receive the deference of the Committee unless the submission is unfit, unreasonable or contrary to the public interest.
- 20. Having regards to the whole of the record, the submissions of counsel for the Member and LSA counsel, the Committee accepts the application to allow the resignation of the Member in the face of discipline, pursuant to Section 32(1) of the *Legal Profession Act*. The following facts are important:
 - (a) The matter has been investigated by the LSA, but no citations had yet been issued.
 - (b) The LSA supports the application.

(c) The Member cooperated fully with the LSA from the outset in their investigations and has admitted the misconduct as set out in the Agreed Statement of Facts.

21. It is in the public interest and the members of the LSA to allow the Member to resign pursuant Section 32(1) of the *Legal Profession Act*, for the following reasons:

- a. to avoid a lengthy hearing into the merits of this matter;
- b. to avoid inconveniencing witnesses; and
- c. to bring these matters to a prompt conclusion.

The acceptance of this application will result in the Member no longer being entitled to practice law. This is in the public interest and there is nothing to be gained by forcing the matter to a Hearing.

22. The committee makes the following orders:

- a. the Statement of Facts is in a form satisfactory to the Committee;
- b. the application to resign pursuant to section 32 of the LPA is accepted, effective September 15, 2014;
- c. the Member shall surrender his Certificate of Enrolment to the LSA;
- d. the Member shall pay the costs of this hearing in an amount of \$2,445.63 within 30 days. The full amount of the investigative costs to be determined will be payable on any application by the Member to vary or relieve him of his undertaking not to reapply for admission; and
- e. Notice of this decision will be published in accordance with the Publishing Hearing Outcomes guideline with the names of complainants, clients, third parties or other employees to be redacted on the basis that the production of same would breach solicitor-client privilege.

Dated September 15, 2014, at Edmonton, Alberta.

DARLENE W. SCOTT (Chairperson)

ROBERT HARVIE, QC, BENCHER

ROBERT DUNSTER, LAY BENCHER