

LAW SOCIETY OF ALBERTA
IN THE MATTER OF THE *LEGAL PROFESSION ACT*;
AND
IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF LAURENT CARR,
A MEMBER OF THE LAW SOCIETY OF ALBERTA

Hearing Committee:

Brett Code, Q.C., Bencher and Chair
Glen Buick, Lay Bencher
Douglas McGillivray, Q.C., Lawyer Adjudicator

Appearances:

Counsel for the Law Society of Alberta – Lois MacLean
Counsel for Laurent Carr – Brian Beresh, Q.C, and Kristin Peters, Student-at-Law

Hearing Dates:

September 20, 21, 22, and 23, 2016

Hearing Location:

Law Society of Alberta at 800, Bell Tower, 10104 – 103 Avenue, Edmonton, Alberta

HEARING COMMITTEE REPORT

Introduction and Summary

1. After two days of evidence, Mr. Carr and the Law Society of Alberta (LSA) came to an agreement, which agreement was approved and confirmed by the Hearing Committee. Mr. Carr pled guilty to a single amended citation. He was sanctioned to a reprimand, subject to a condition that he could not be principal to an articling student without LSA consent, and ordered to pay costs of \$10,000.

Proceedings

2. On September 20, 2016, the Hearing Committee (Committee) convened in a hearing room at the LSA office in Edmonton to hear evidence regarding a number of citations against an active member in good standing of the LSA, Laurent Carr. Proper jurisdiction of the

Hearing Committee was established and agreed. The hearing proceeded in public.

3. A series of Exhibits were entered by consent. Opening statements were provided by both counsel. Two witnesses testified. Both were complainants whose complaints led to the LSA investigation and eventually to the citations against Mr. Carr.
4. Near the conclusion of the second day of evidence, Mr. Carr fell ill, and the matter was adjourned for the afternoon. The next day, the matter was adjourned again upon the provision of the opinion of a doctor that Mr. Carr could not proceed.
5. On what was to be the fourth day of the hearing, counsel approached the Hearing Committee with an application to resolve the matter by way of a guilty plea and a joint submission on sanction. That application was heard and granted, as discussed below.

Citations

6. Counsel jointly submitted that citation number two should be amended. The Hearing Committee considered the submissions of counsel, based upon the evidence heard to that point, including the statement of admitted facts, discussed below, and granted the amendment. As a result, Mr. Carr faced a single citation:

2. It is alleged that Mr. Carr failed to uphold the standards and reputation of the profession with respect to his dealings with former students/associates and that such conduct is conduct deserving of sanction.

Evidence

7. The evidence jointly tendered in support of the amended citation consisted of a Statement of Admitted Facts, signed by Mr. Carr on September 22, 2016, which is attached as Schedule "1".
8. After hearing submissions by both counsel, and upon considering the Statement of Admitted Facts, the Hearing Committee accepted it in the form submitted as being satisfactory for the purposes of section 60 of the *Legal Profession Act*.
9. The LSA did not call any evidence on the remaining citations.

Guilt

10. On the basis of the Statement of Admitted Facts, the Hearing Committee found Mr. Carr guilty of the amended citation #2.

11. No evidence having been called on the remaining citations, they were dismissed.

Sanction

12. After hearing submissions on the fitness, suitability, and reasonableness of the joint submission on sanction, the Hearing Committee adjourned to caucus and consider the result. We unanimously agreed that the joint submission was acceptable.

13. Mr. Carr will face a reprimand. As the result of his illness, he was unable to attend on the day of sanction. It was therefore agreed that the Chair of the Hearing Committee would meet with Mr. Carr to administer the Hearing Committee's reprimand in person, in Edmonton, on December 1, 2016.

14. Mr. Carr is also subject to the condition that he may not take on and be principal to an articling student without the permission of the LSA.

15. Mr. Carr is to pay costs of \$10,000. That amount is not a fine, but an allocated portion of the total costs of the investigation and the hearing. As he was not present, time to pay was requested by his counsel, and he was granted one year to pay. Full payment of the costs amount must be received by the LSA on or before September 22, 2017.

Concluding Matter

16. Pursuant to Rule 98(3), and the agreement of counsel, we ordered that the Exhibits are not to be made available to the public for inspection and are not to be copied, with the exception of Exhibit 58, the Statement of Admitted Facts.

Dated at the City of Calgary, in the Province of Alberta, this 28th day of October, 2016 by:

W. E. Brett Code, Q.C.

Douglas McGillivray, Q. C.

Glen Buick

SCHEDULE 1

In the Matter of The Law Society of Alberta

And

And In the Matter of A Hearing Regarding
The Conduct of Laurent P. Carr

Law Society Hearing file: HE20150093

STATEMENT OF ADMITTED FACTS

Introduction

1. I am a member of the Law Society of Alberta and have been a member at all times relevant to this proceeding.
2. I was called to the Bar in Alberta in 1979 and have practiced law in Edmonton since then.
3. There are six citations presently outstanding which are as follows:

CO[•] – [SH]

1. It is alleged that Mr. Carr failed to be candid with the Law Society and that such conduct is deserving of sanction:
2. It is alleged that Mr. Carr failed to adhere to the highest business standards of the community, which included but is not limited to:
 - Mr. Carr used his position to take unfair advantage of a person, and
 - Mr. Carr made remarks about another lawyer which were not fair, accurate and courteous and that such conduct is deserving of sanction.

CO[•] – [EF]

3. It is alleged that Mr. Carr failed to be candid with the Law Society and that such conduct is deserving of sanction:
4. It is alleged that Mr. Carr failed to adhere to the highest business standards of the community, which included but is not limited to:
 - Mr. Carr used his position to take unfair advantage of a third party and that such conduct is deserving of sanction.

CO[•] – [WT]

5. It is alleged that Mr. Carr failed to adhere to the highest business standards of the community, which included but is not limited to:
 - Mr. Carr made remarks about another lawyer which were not fair, accurate and courteous and that such conduct is deserving of sanction.
 6. It is alleged that Mr. Carr failed to be candid with the Law Society and that such conduct is deserving of sanction.
4. An application will be made to amend Citation #2, as follows:
1. It is alleged that Mr. Carr failed to uphold the standards and reputation of the profession with respect to his dealings with former students/associates and that such conduct is conduct deserving of sanction.

Facts

5. The member agrees that he was a senior lawyer of Carr & Company LLP over a number of years which included the period from 2007 to 2012.
6. During that time, the complainants (excluding the Law Society) were associated with that firm.
7. The member agrees that he failed to adequately supervise two articling students and that he prematurely communicated information which was critical of the associate's conduct to a third party, which conduct he honestly believed to have occurred.
8. The member admits that he should have been more attentive in the preparation of some of his responses to the Law Society.
9. Between December 9, 2010 and January 10, 2011, allegations other than those referred to in the immediately preceding paragraphs were made by the complainants listed above (other than the Law Society) against the member, which were investigated by the Law Society, but which were not substantiated.
10. The member acknowledges that he has had sufficient opportunity to prepare himself to answer the amended citation and waives any procedural irregularities in relation to this process.

11. The member admits that the conduct set out above is conduct deserving of sanction within the meaning of the *Legal Profession Act*.

In light of the admissions set out above, the Law Society will call no further evidence and will ask that the remaining citations be dismissed.

This Statement of Admitted Facts and admission of culpability is signed at the City of Edmonton in the Province of Alberta on September 22, 2016.

“[BB]”

[BB]

“Laurent P. Carr”

Laurent P. Carr