IN THE MATTER OF THE *LEGAL PROFESSION ACT*

AND

IN THE MATTER OF A HEARING REGARDING THE CONDUCT OF MICHAEL TERRIGNO, A STUDENT – AT – LAW REGISTERED WITH THE LAW SOCIETY OF ALBERTA

The Panel:

Fred R. Fenwick, Q.C., Chair
Nancy Dilts, Q.C., Bencher
Amal Umar, Bencher

Counsel Appearances:

Garner Groome, for the Law Society of Alberta
James B. Rooney, Q.C., for Michael Terrigno

Date and Place of the Hearing:

May 27 and 28, 2013
Calgary, Alberta

DECISION OF THE HEARING COMMITTEE

Summary

1. While a University student in 2006, Mr. Terrigno was involved as a bystander in a police investigation which led to him being charged criminally with "obstruction of justice".

2. The trial of the obstruction of justice charge took place in 2008, while Mr. Terrigno was a student-at-law (an articling student) and therefore subject to the jurisdiction of the Law Society of Alberta ("LSA"). Mr. Terrigno was originally tried and convicted, the conviction was subsequently overturned at Summary Conviction Appeals (with consent of the Crown), a new trial was ordered and in 2011, Mr. Terrigno was tried and acquitted of the obstruction charge.

3. The citation considered here which was directed to a Hearing by a Conduct Panel concerns Mr. Terrigno's conduct during the two criminal trials.

4. Prior to the hearing of the evidence in relation to the citation, both counsel for the LSA and counsel for Mr. Terrigno brought applications concerning the evidence to be adduced at the Hearing. The Hearing Committee heard submissions in a preliminary application December 19, 2012, declined the invitation to restrict evidence and setting the matter over for a Hearing which was held May 27 and 28, 2013.

5. Upon hearing evidence for the LSA (which chiefly consisted of transcripts of the evidence of the two trials, and the reported decision of the two trials) together with evidence adduced on behalf of Mr. Terrigno and related witnesses, the Hearing Committee found that the citation was made out with regards to Mr. Terrigno attempting to mislead the Court during at least one of his trials.

6. Notwithstanding the seriousness of the finding, in light of all of the circumstances, including the long delay, Mr. Terrigno was fined the maximum amount ($10,000) in relation to the one citation, ordered to pay full costs of the hearing, and given a reprimand.

Citation

7. Mr. Terrigno faces one citation issued September 13, 2012:

IT IS ALLEGED THAT the Member's conduct in giving evidence at criminal trials breached the *Code of Professional Conduct:* and that such conduct is deserving of sanction.

Jurisdiction

8. Jurisdiction and private hearing matters were dealt with at the preliminary application December 19, 2012 and counsel for the LSA and the Member agreed that the jurisdiction of the panel continued. The Committee ordered that the hearing be held in public.

9. After the commencement of the Hearing, a representative of the media attended in the public gallery. The member made an application to hold the hearing in camera which the Committee declined, deciding that the public interest in holding a hearing public overrode any potential reputational issues alleged by the member. The Hearing continued in public.

Development of the Evidence – Degree of Reliance upon Judicial Findings

10. A major theme of the development of this specific case concerned the degree with which the Hearing Committee could rely upon judicial findings in the two Provincial Court trials with respect to the obstruction of justice charge.

11. For the LSA, it was suggested that findings of the trial judge in previous trials, which were the subject of this Hearing, ought not to be "re-litigated". The LSA suggests the case of *Toronto (City) v. CUPE Local 79*, 2003 SCC 63 ("*CUPE*"). In CUPE an employee of the City of Toronto was convicted of sexual assault and fired because of it. The employee grieved the dismissal through his union and the arbitrator ruled the criminal conviction was not conclusive as to whether the employer had cause to dismiss and that the presumption raised by the criminal conviction was rebutted by the employee during this evidence at the Arbitration Hearing. The matter made its way to the Supreme Court of Canada on the issue of whether or not a review of the trial decision by the arbitrator was an abuse of process through "re-litigation" of a decided matter. The LSA suggested that allowing extensive evidence to contradict evidence led and findings made at the two trials (in this matter) would be an impermissible collateral attack on the previous judicial findings.

12. The Hearing Committee accepts *CUPE* as authoritative in this regard.

> "… There may be instances where re-litigation will enhance rather than impeach the integrity of the judicial system for example: (1) when the first proceeding is tainted by fraud or dishonesty; (2) when fresh, new evidence, previously unavailable conclusively impeaches the original results; or (3) when fairness dictates that the original results should not be binding in the new context …"
>
> "… If for instance the stakes in the original proceedings were too minor to generate a full and robust response, while the subsequent stakes were considerable, fairness would dictate that the administration of justice would be better served by permitting the second proceeding to go forward than by insisting that finality should prevail. An inadequate incentive to defend, the discovery of new evidence in appropriate circumstances, or a tainted process may all overcome the interest in maintaining the finality of the original decision"

CUPE, per Abour J at para 52 and 53

13. With regard to this Hearing, the Hearing Committee notes that:

    a. The single citation against Mr. Terrigno as it was developed at this Hearing concerned misleading the trial judges regarding certain specific portions of his evidence. In other words, the citation was not for his actions that gave rise to the "obstruction of justice" charge. The issue at this hearing is different from the issue at the criminal trials.

    b. Further, certain of the matters in which Mr. Terrigno was alleged to have misled the Court were peripheral or collateral issues to the obstruction charge. This is not to say that it would be permissible for anyone, especially a Member of the LSA, to mislead a judge on a peripheral or collateral matter (it certainly would not be). The Hearing Committee acknowledges that in the practical management of a Provincial Court trial and the hard choices to be made by counsel in terms of examination, cross-examination, rebuttal witnesses, etc. that the factual matrix concerning collateral matters may not be completely developed within that trial or at least sufficiently completely developed to allow a finding of some sort of perjury or contempt of court in this hearing (the "stakes" issue in CUPE).

    c. Conversely, where the matters were central to the finding (and eventual acquittal) of obstruction of justice and were well developed, judicial economy and the need to respect the decision of the trial judge who heard the evidence firsthand would allow the judge's findings under those circumstances to constitute at least a *prima facie* finding for this hearing.

14. In this Committee's ruling on the preliminary evidentiary application, and our subsequent rulings, we ruled that Mr. Terrigno's interest in full answer and defence to the citation required him to be allowed to attempt to develop contextual evidence explaining specific instances where it was alleged that he had misled the court. Having said that, the Hearing Committee was not interested in developing yet a third complete transcript of the obstruction matter.

Evidence for the LSA

15. The evidence for the LSA for the most part consisted of transcripts of two criminal trials concerning Mr. Terrigno's obstruction of justice charge:

    a. Transcript of Trial commencing March 12, 2008 before the Honourable Judge Daniel (the "Daniel Transcript");

    b. The reported Decision of the Trial before the Honourable Judge C.L. Daniel reported as *R. v. Terrigno*, 2008 ABPC 240 (the "Daniel Decision");

    c. Transcript of Provincial Court Trial beginning March 7, 2011 before the Honourable Judge Fisher (the "Fisher Trial");

    d. The Reasons for Judgment of the Honourable Judge F.C. Fisher reported as *R. v. Terrigno*, 2011 ABPC 166 (the "Fisher Decision").

16. Throughout the decisions, there are repeated references to findings that Mr. Terrigno had misled the Court.

Evidence of the Member

17. In addition to witnesses, Mr. Terrigno sought the agreement of the Hearing Committee to tender results of a polygraph examination which the Hearing Committee learned had been obtained by Mr. Terrigno without recommendation of counsel, and before the citation had been laid. The LSA objected to the tendering of this evidence.

18. After receiving Briefs from both the LSA and Mr. Terrigno, the Committee accepted that the law in Canada concerning the admissibility (inadmissibility) of polygraph evidence is well set out in *R. v. Beland* [1987] 2 SCR 398. Polygraph evidence led for the purpose of bolstering credibility is inadmissible in criminal proceedings. The Hearing Committee accepts that it is not necessarily bound by the strict rules of evidence but also notes that:

    a. The LSA objected to receiving the polygraph evidence;

    b. The LSA did not participate nor were they invited to participate in the formulation of the questions put before the polygraph operator;

    c. The questions put to the polygraph operator do not specifically deal with the matters of concern in this Hearing, being Mr. Terrigno's attempts to mislead the court.

    Under all of the circumstances, the polygraph evidence tendered in this case does not pass any test of necessity or reliability and the Committee declined to receive it.

19. Mr. Terrigno also tendered an Affidavit by Dr. Claasen. Dr. Claasen was a physician who had seen, made notes of, and identified photographs of Mr. Terrigno's wrists after

his arrest on the night he was charged with obstruction of justice. Dr. Claasen's medical report and certain photographs of Mr. Terrigno's wrists were entered as Exhibits at the Fisher Trial and an Affidavit of Dr. Claasen identifying those Exhibits was allowed to be entered at this Hearing.

20. Mr. Terrigno also tendered witnesses as follows:

    a. Himself

    b. Eziah Syed, a friend of Mr. Terrigno's who had witnessed some of the altercation on the night in question. Mr. Syed was not called at the criminal trials;

    c. Donna Marie Riopel, who was a witness at the Daniels and Fisher Trials and testified and further developed the context of her evidence given at those trials.

Discussion

21. Counsel for the LSA directed the Hearing Committee to portions of the Code of Professional Conduct in force at the time of the Daniels and Fisher Trials including:

    a. Chapter 1

    Relationship of the Lawyer to Society and Justice System

    Statement of Principle

    A lawyer shares the responsibilities of all persons to society and the justice system and, in addition, has certain special duties as an officer of the Court and by virtue of the privileges accorded to the legal profession, including a duty to ensure that the public has access to the legal system.

    Rule 1

    A lawyer must respect and uphold the law in personal conduct in rendering advice and assistance to others.

    Commentary to Rule 1

    … B. Behaviour that is notorious or public in nature or that has a dishonourable element … is the kind of conduct that my invoke ethical sanction.

    … G. Generally, any involvement of a lawyer with illegal conduct, however indirect, has the potential to encourage public disrespect for the law itself as well as the profession and its members.

    b. Chapter 3

    Relationship of the Lawyer to the Profession

Statement of Principle

A lawyer has a duty to uphold the standards and reputation of the profession and to assist in the advancement of its goals, organizations and institutions.

Rule 1

A lawyer must refrain from personal or professional conduct that brings discredit to the profession.

Commentary to Rule 1

Because of a lawyer's quasi-official position in society … the personal and professional behaviour of a lawyer may attract more attention than that of a non-lawyer and may directly or indirectly influence the public's perception of the justice system and the profession. It follows that a lawyer has the responsibility to avoid even the appearance of impropriety, and to act in a manner that encourages the confidence, respect and trust of society.

22. The LSA then went on to review Judgments in both the Daniels and Fisher Trial including comments such as:

a. **Daniels Decision**

Paragraph 21 … "I do not believe their [Mr. Terrigno's and Ms. Riopel's] testimony …"

Paragraph 24 … "Mr. Terrigno was either deliberately lying when giving his version of events, or, because of his impairment on the night in question, he simply did not have an accurate recollection …"

Paragraph 25 "Mr. Terrigno gave his evidence in chief in a rehearsed manner."

Paragraph 31 "Mr. Terrigno's recollection of events strains credibility."

Paragraph 31 "I find as a fact that he never stated that he was a law student as he maintained at trial; that he must have forgotten saying this due to his inebriated state, or that he was lying at trial."

"Mr. Terrigno was evasive when asked questions about his words and behaviour."

Paragraph 38 "I find as a fact that both of their testimonies [Mr. Terrigno and Ms. Riopel] were contrived."

b. **Fisher Decision**

Paragraph 40 "Terrigno was evasive, vague and exaggerated. His evidence is unbelievable and is to be totally disregarded."

Paragraph 41 "Terrigno attempted to mislead the Court."

Paragraph 42 "Terrigno was not truthful."

23. Counsel for the LSA argued that these findings of two separate trial judges at two separate trials were capable of *prima facie* proof of the citation, and that subject to the comments in *CUPE*, that their findings that ought not to be re-litigated by this Hearing Panel.

24. Counsel for Mr. Terrigno acknowledged that the findings found in the Daniels and Fisher Decisions together with the transcripts were capable of being *prima facie* evidence concerning the citations but under the circumstances of this case, were not conclusive.

25. Counsel for Mr. Terrigno went thoroughly through the Daniels and Fisher Decisions with a comprehensive list of ways in which the two learned Provincial Court Judges made different decisions on similar evidence, made inconsistent decisions to each other and made findings that were simply not supported by the testimony. Arising out of this, it was suggested that it would be dangerous to find the citation made out based on what was argued to be inconsistent findings, alone.

26. Mr. Terrigno then testified on his own behalf, and presented witnesses to further develop the context regarding specific areas of testimony in which the Honourable Judges Fisher and Daniels had found him to be an unreliable witness including:

    a. The Affidavit of Dr. Claasen demonstrated there were potentially handcuff-related injuries;

    b. Ms. Riopel testified as to the strained relationship between her and Mr. Terrigno arising out of the events of the night in question, and the two trials;

    c. Mr. Syed testified concerning his partial observation of the events of the night in question.

27. Consistent with the Hearing Committee's interpretation of *CUPE* and general caution concerning not creating a third transcript concerning the night in which Mr. Terrigno was charged with obstruction of justice, the testimony of Mr. Terrigno and his witnesses was for the most part confined to developing context and further evidence which was not tendered at the trials concerning some of the areas which the learned Provincial Court Judges had concerns regarding Mr. Terrigno's evidence. The Hearing Committee finds that consistent with its view of *CUPE* and the need of the Member to give full answer and defence to the citation, fairness dictated he be allowed to at least attempt to develop the contextual evidence.

Discussion

28. The Hearing Committee accepts that no trial is perfect. Differences between the findings made in the two trials, especially with respect to peripheral or collateral matters will not, of

themselves render the trials unfair. Findings of fact are still capable of respect, especially in well-developed areas central to the issue at stake in those trials.

29. Further, and as mentioned above, it may be, as a matter of trial strategy that certain peripheral or collateral matters were not well developed during the trials, and that a finding of misleading or untruthfulness on a peripheral or a collateral matter may not be binding on this panel if it can be shown that further admissible evidence fairly puts these findings in question. The Hearing Committee repeats that it does not suggest in any way that it is permissible to actually mislead a Court on any factual matter, peripheral or not.

30. The Hearing Committee therefore reviewed all of the evidence including the transcripts and decisions in both the Daniels and Fisher Trials, the further contextual evidence provided by Mr. Terrigno and his witnesses and makes the findings as set out below.

The Daniels Decision

31. Throughout the Daniels Decision, the learned Trial Judge mentioned many times that she could not determine whether Mr. Terrigno was being generally untruthful or that his consumption of alcohol had affected his memory:

> **Paragraph 24** "I find specifically that Mr. Terrigno was either deliberately lying when giving his version of events, or, because of his impairment on the night in question, he simply did not have an accurate recollection of his words and actions at that time."
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> **Paragraph 26** "It was apparent on cross-examination, however that Mr. Terrigno's credibility really faltered. It became apparent he had consumed more alcohol than his examination in chief has disclosed and that his alcohol consumption had badly affected his memory."
>
> **Paragraph 28** "One hopes the offensive, imprudent and disrespectful behaviour he displayed towards Sergeant Brar can be solely attributed to the overconsumption of alcohol …"
>
> **Paragraph 30** "He [Mr. Terrigno] acknowledged that his memory is not as clear after he has been drinking as it is if he is completely sober. I find he was guessing as to how much alcohol he consumed that evening, and that his guesses were low."
>
> **Paragraph 32** "When he says he was cooperative and stepped back when commanded to do so, I find this is either a lie, or he does not recall doing so given his state of inebriation."
>
> Paragraph 33 When he states he did not supply Ms. Riopel with a breath mint, I find this either a deliberate lie or he simply does not recall doing so given his state of inebriation.

32. On these key matters, Judge Daniels was unable to decide whether or not there was a deliberate misleading by Mr. Terrigno, or an impairment of memory due to alcohol consumption. Under the circumstances, the Hearing Committee finds that it would be

dangerous to rely solely on selected findings in the Daniels Decision in support of the citation alleged.

The Fisher Decision

33. The Fisher Decision, the second trial on the obstruction of justice charge after the Daniels Trial was overturned (on consent) at Summary Conviction Appeals, sets out the major findings concerning Mr. Terrigno's credibility relating to this citation on page 6 of his Decision at paragraphs 40 to 49. Upon review of all of the evidence including the transcript and witness testimony at these Hearings, the Hearing Committee finds that the specific findings of the Honourable Judge Fisher at paragraphs 40 to 49 provide a useful guide to specific particulars of allegations in relation to this citation (paraphrased below).

Paragraph 41 Attempting to mislead the Court concerning his relationship with Ms. Riopel.

34. Having heard evidence from Mr. Terrigno and Ms. Riopel at this Hearing concerning the strained nature of their relationship after the criminal proceedings, this Hearing Committee is not willing to find, as a factual matter, that Mr. Terrigno and/or Ms. Riopel were attempting to mislead the Court.

Paragraph 42 Terrigno was not truthful concerning his original motivation and dress when he left the house to become involved in the incident.

35. Having heard the evidence, the Hearing Committee thinks it would be unsafe to found a citation for unprofessional conduct based on parsing the term "curiosity" or the pajama dress of Mr. Terrigno during the late hours of the evening in question.

Paragraph 43 and 44 Terrigno could not recall his own bad behaviour and testified that his demeanor before his arrest for obstruction was only polite and respectful.

36. The Hearing Committee finds the Decision of Judge Fisher to be well-founded in the transcript of the evidence at the trial. It is clear that Mr. Terrigno was aggressive and insulting to the (eventual) arresting officer before the arrest and he produced no credible testimony at this hearing to contradict the testimony of the Constable as set out in the transcript(s) and the findings of the learned Trial Judge.

37. Here it should be noted that:

    a) The findings of Judge Fisher aligned closely with those of Judge Daniels;

    b) The conduct of Mr. Terrigno directly with the arresting officer was central to the obstruction charge.

Thus this finding of fact and the "selective memory" finding referred to below deserved a high level of deference at this Hearing.

Paragraph 45 Handcuff related injuries.

38. The Hearing Committee reviewed the Affidavit of Dr. Claasen and finds it reasonable to conclude that the handcuffs applied on the night in question left marks on Mr. Terrigno's wrists; however, the Hearing Committee concludes that nothing turns on this determination with respect to the citation.

Paragraph 46 The attitude of Terrigno and the manner in which he testified in Court being unprofessional

39. This finding is not put forward by the Honourable Trial Judge with any particularity. The Hearing Committee was not at the trial to observe Mr. Terrigno's demeanor, nor are there clues contained within the transcript which would suggest something obvious (a gesture, a facial gesture, a raising of the voice). The Hearing Committee also notes that, in this regard, the learned Trial Judge had the ability to caution or actually sanction Mr. Terrigno but this was not done at the time of the trials. Left with no evidence as to what the specifics of the behaviour were, the Hearing Committee cannot find that this paragraph supports the citation.

Generally, selective memory

40. This is mentioned in paragraph 43 of the Fisher Decision. At the trials and this Hearing, Mr. Terrigno could not recall the specific language that he used with Constable Brar after the arrest. It was noted in Mr. Terrigno's defence that Mr. Terrigno did not actually deny the offensive language, admitted that he was "inappropriate" on the night in question and crafted an apology to Constable Brar. All of which is commendable.

41. However, the language that Mr. Terrigno used with Constable Brar after his arrest as set out specifically in transcripts of both trials, is vulgar, grossly inappropriate, and unforgettable (these Committee Members will have a hard time forgetting the crudeness of the comments). We find it extremely unlikely that, as Mr. Terrigno suggests, the pain of handcuff wear could have blotted the memory of these insults out of Mr. Terrigno's memory. While Mr. Terrigno did not deny making the statements, we do not accept his testimony that he did not recall making the statements, nor did the trial judges.

Conclusion

42. As a result of all of the above, the Hearing Committee finds the citation made out in that Mr. Terrigno misled the Court as to his insulting comments prior to his arrest and his lack of memory of the extremely offensive comments made after the arrest.

Decision on Sanction

43. The decision on sanction was a difficult one for this Hearing Committee. On the one hand, the finding is a finding which relates to the integrity of Mr. Terrigno and would ordinarily call for a lengthy suspension.

44. On the other hand, the finding is a limited finding concerning an attempt to mislead the Court as to lack of memory, and Mr. Terrigno's Articles have been "on hold" since 2008. Further, the Hearing Committee heard evidence that Mr. Terrigno intends, if possible, to continue in the practice of law, has kept up his status as an articling student and has continued with his continuing legal education including developing his intended focus of commercial and tax-related law. More importantly, the Hearing Committee was informed that in the years since 2008, Mr. Terrigno has had a record clear of further Law Society complaints.

45. Under all of the circumstances, we think it appropriate Mr. Terrigno be allowed the chance to advance his legal career. The decision of this Hearing Committee was that he be subject to the maximum fine for one citation ($10,000), an assessment of the complete costs of the Hearing when they are available (now known to be the amount of $14,369.26), together with a reprimand.

46. This Hearing Committee understands that in concluding his Articles, the Law Society may or may not require a Hearing or other evidence of Mr. Terrigno's good character and the Hearing Committee makes no finding or comment with regards to that procedure if applicable.

47. Mr. Terrigno requested time to pay the fine and Hearing costs and the Hearing Committee allowed six months from the date of service of Notice of the Hearing Costs.

48. These reasons were drafted after the conclusion of the Hearing and oral delivery of the verdict and sanctions. Before the issuance of these written reasons, the Hearing Committee was informed that, contrary to the submissions to the Hearing Committee at the sanction phase of the hearing, Mr. Terrigno does have a disciplinary record, a copy of which was mailed to the Committee with consent of counsel for both the LSA and the member. The fact of this disciplinary record was not before the Hearing Committee at the time of its decision on sanction.

49. By letter dated July 8, 2013, LSA Counsel advises that "…Mr. Rooney and I are of the view that having the correct disciplinary record would not have materially altered either of our submissions on sanction…" (letter of LSA counsel dated July 8, 2013). LSA Counsel invites the Hearing Committee to make the correct disciplinary record part of the hearing record.

50. The Committee is grateful to both counsel for bringing this matter to its attention but as the correct disciplinary record did not form part of the Hearing or the Committee's deliberations on sanction, we decline the invitation to amend the hearing record. The decision on sanction stands on the basis that Mr. Terrigno had no disciplinary record.

Concluding Matters

51. The Exhibits in this Hearing will be made available to the public with the usual precaution of redaction of names of clients (if any).

52. No Notice to the Profession is necessary.

53. No referral to the Attorney General is necessary.

Reprimand

54. The reprimand was delivered by the Chair of the Hearing Committee at the conclusion of the Hearing as follows.

55. Mr. Terrigno, a citation of unprofessional conduct in your testifying in your own defence at your criminal trial has been made out as this Hearing Committee has found that you were not completely truthful with the Trial Judge, at least with respect to your state of memory concerning your behaviour on the night in question.

56. For any other Defendant in a criminal trial, this lack of memory may not have raised any eyebrows at all but you are a member of the legal profession and subject to quite restrictive professional obligations concerning your integrity and credibility.

57. Ordinarily a finding concerning your integrity or credibility would have warranted a suspension but based on your relative youth, your apology to the officer, the fact that your Articles have been "on hold" since at least 2008 and your continuing efforts to complete your law studies, persuade us that you need at least a chance to put this matter behind you and complete your articles.

58. The Hearing Committee is not at all happy, and neither were the Judges at your Trials, with regard to your selective memory. Our problems with this are illustrative of one small aspect of the highly restrictive professional obligations you will have as a Member of our ancient and honourable profession. The restrictions are so onerous as to make very little sense whatsoever from a "business" point of view:

    - In Court you will be expected to be completely truthful and candid in <u>all</u> situations unless there are legitimate client confidentiality issues. You will not be allowed to have a selective memory.
    - There will be occasions, such as an *ex parte* application, or an application in Court where you are aware of a case which goes against your position that you will have to disclose that adverse evidence or that adverse case to the trier of fact.
    - Colleagues will make mistakes or "slips" and you may not be ethically entitled to take advantage of them.
    - You yourself may make a mistake or a slip and will not be entitled to ignore or cover it up.

- Severe restrictions are placed on you concerning your ability to get into business with any of your clients or colleagues. Independent legal advice is a necessity and if and when the business you were involved in with clients or colleagues goes bad, as sometimes they do, you will be blamed and potentially held to be their lawyer and subject to fiduciary obligations, even if you thought you were merely a business partner.

These restrictions make it necessary for you to decide now whether or not you intend to be a lawyer or a business person (also an honorable profession) but it will be very difficult for you to be both. We suggest you make your choice now.

59. We do not have to tell you that your case has become notorious, that your reputation for credibility has been damaged and that it will take you some time to repair that damage. We are confident that youthful mistakes can be repaired even though you may be "under a microscope" for the next few years. We urge caution, modesty and judgment. Senior Members of the Bar are known to you, are available and often freely give of their time to counsel and mentor young lawyers. The Law Society of Alberta has a staff of experienced and extremely knowledgeable practice advisors who are available on telephone and otherwise to consult with you.

60. Our current Code of Conduct, modeled on the Federation of Law Societies of Canada Code and our previous Alberta Code of Professional Conduct (arguably the most sophisticated and authoritatively annotated Code in Canada) are both available online and contain a distillation and practical commentary of practice, conduct and ethical related matters. In short, help and guidance is easily available and we urge you to use the resources available to you as you move forward with your career.

61. We are confident that this Hearing and its result will be a turning point in your career, one way or the other.

Dated at Calgary, Alberta this _____ day of July, 2013.

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Fred R. Fenwick, Q.C., Chair

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Nancy Dilts, Q.C., Bencher

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Amal Umar, Bencher