

**LAW SOCIETY OF ALBERTA**  
**IN THE MATTER OF THE *LEGAL PROFESSION ACT*;**

**AND**

**IN THE MATTER OF A HEARING REGARDING**  
**THE CONDUCT OF CHRISTOPHER MCKAY,**  
**A MEMBER OF THE LAW SOCIETY OF ALBERTA**

**Hearing Committee:**

Kent Teskey, QC, Chair  
Leighton Grey, QC, Committee Member  
Dr. John Bradley, Committee Member

**Appearances:**

Counsel for the Law Society – Candice Ross  
Christopher McKay – Self-Represented

**Hearing Date:**

November 24, 2016

**Hearing Location:**

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

**HEARING COMMITTEE REPORT**

**Jurisdiction, Preliminary Matters and Exhibits**

1. On November 24, 2016, a Hearing Committee (Committee) convened at the office of the Law Society of Alberta (LSA) to conduct a hearing regarding a number of citations against Christopher McKay. Mr. McKay and counsel for the LSA were asked whether there were any objections to the constitution of the Committee. There being no objections, the hearing proceeded.

2. The jurisdiction of the Committee was established by Exhibits 1 through 4, consisting of the letter of appointment of the Committee, the Notice to Solicitor pursuant to section 56 of the *Legal Profession Act*, the Notice to Attend to the Member and the Certificate of Status of the Member with the Law Society of Alberta.
3. The Certificate of Exercise of Discretion pursuant to Rule 96(2)(b) of the *Rules of the Law Society of Alberta* (“Rules”) pursuant to which the Deputy Executive Director and Director, Regulation of the LSA, determined that there were no persons to be served with a private hearing application, was entered as Exhibit 5. Counsel for the LSA advised that the LSA did not receive a request for a private hearing. Accordingly, the Chair directed that the hearing be held in public.
4. At the outset of the hearing, Exhibit 6, a Statement of Admitted Facts and Admission of Guilt was entered into evidence in the hearing with the consent of the parties. It has been appended to this decision as Appendix “A”. Further, Exhibit 7, a letter of reference, and Exhibit 8, the Estimated Statement of Costs were entered.
5. There were 24 citations in total. Mr. McKay admitted guilt to all but Citation 23(a). The Law Society did not call evidence with regard to that citation and it was dismissed.
6. Pursuant to Section 60(4) of the *Legal Profession Act*, the Agreed Statement of Facts was accepted as an admission of guilt and the Committee proceeded to consider sanction.
7. The conduct admitted involved a number of failures to serve clients. While it is elaborated on in the Agreed Statement of Facts, the Committee noted that a number of complainants have experienced actual prejudice. As well, Ms. K. attended to observe the proceedings and expressed the harm she had suffered due to Mr. McKay’s conduct.
8. The parties presented a joint submission on penalty. It was noted the conduct in question largely overlapped in time with other citations dealt with in April of 2016. As such, the parties proposed that Mr. McKay should serve a further two-month suspension commencing on November 1, 2016, immediately following his prior suspension, and ending on December 31, 2016.
9. A joint submission should be accepted, and not departed from, unless it is contrary to the public interest. We recognize Mr. McKay’s acceptance of responsibility and the fact that the proposed penalty is consistent with the principle of totality and the previous sanction imposed. In our view, the proposed sanction is appropriate.

## **Decision Regarding Citations**

10. We accept the joint submission and direct that Mr. McKay be suspended for a period of two months. We further direct that costs be paid to the Law Society in the amount of \$11,662.56 by December 31, 2017.
11. The Hearing Committee also directed that Mr. McKay be referred to Practice Review upon reinstatement.

## **Concluding Matters**

12. Under the circumstances, there shall be no referral to the Attorney General of Alberta.
13. There shall be a Notice to the Profession respecting this suspension.
14. Hearing exhibits shall be made available to the public, with the exception that they shall be redacted to prevent disclosure of confidential or privileged information and of any confidential or private information related to third parties.

Dated at the City of Edmonton in the Province of Alberta, this 12<sup>th</sup> day of October, 2017 by:

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Kent Teskey, QC, Chair

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Leighton Grey, QC, Committee Member

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Dr. John Bradley, Committee Member

IN THE MATTER OF THE LEGAL PROFESSION ACT  
AND  
IN THE MATTER OF A HEARING REGARDING THE CONDUCT OF  
CHRISTOPHER D. MCKAY,  
A MEMBER OF THE LAW SOCIETY OF ALBERTA

STATEMENT OF ADMITTED FACTS AND ADMISSION OF GUILT

INTRODUCTION

1. I was admitted as a member of the Law Society of Alberta (the "Law Society") on September 19, 2003.
2. My present status with the Law Society is Suspended.
3. I practice in Edmonton, Alberta. I was employed by McGee Richard LLP from September 19, 2003 to August 31, 2015. From September 1, 2015 to July 1, 2016, I have been a sole practitioner operating as McKay Law.

**Complaint File CO20153209 [B]**

Citations

4. On August 17, 2016 a Conduct Committee Panel referred the following conduct to hearing:
  1. It is alleged that you failed to provide legal services to your client to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and such conduct is deserving of sanction;
  2. It is alleged that you failed to be candid with your client:
    - a. in leading him to believe that you had sent registered letters seeking compensation, when you had not;
    - b. in leading him to believe that you had filed a Statement of Claim, when you had not;

and such conduct is deserving of sanction.

## **Facts**

5. I was retained by Mr. [B] in November 2013 to assist with a dispute with [EF] over lost luggage and inconvenience of a change in itinerary due to problems with a connecting flight.
6. At the first meeting with Mr. [B], I advised that I believed he had a legitimate claim. I agreed to guide to process whereby Mr. [B] would write claim letters to the airline, [EF], and [E] trip insurance.
7. We did not enter into a retainer agreement or discuss fees for my services at that time.
8. Mr. [B] made a claim to [EF] in January 2014, which was denied.
9. I met with Mr. [B] on March 26, 2014 and advised him to file a claim with [E] trip insurance. Mr. [B] proceeded with that claim but I was advised by Mr. [B] on July 30, 2014 that it too had been denied.
10. Between July 2014 and September 2015, I advised Mr. [B] that I was awaiting response to three registered letters which I had sent to [EF]. I also advised Mr. [B] that I would move forward with the claim and led him to believe that I had filed and served a Statement of Claim on his behalf.
11. I did not send a registered letter to [EF], and I did not file a Statement of Claim on behalf of Mr. [B].

## Admissions

### *Citation 1*

12. I admit that I failed to provide legal services to my client, [B], to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and that such conduct is deserving of sanction.

### *Citation 2*

13. I admit that I failed to be candid with my client, [B], in leading him to believe that I sent a registered letter seeking compensation, when I had not, and in leading him to believe that I had filed a Statement of Claim, when I had not, and that such conduct is deserving of sanction.

## **Complaint File CO20150788 [T]**

### Citations

14. On August 17, 2016 a Conduct Committee Panel referred the following conduct to hearing:

3. It is alleged that you failed to provide legal services to your client to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and such conduct is deserving of sanction;
4. It is alleged that you failed to respond to communications from another solicitor in a timely manner, or at all and such conduct is deserving of sanction;
5. It is alleged that you failed to respond promptly and completely to communications from the Law Society and such conduct is deserving of sanction.

### Facts

15. I was retained by [T] with respect to two matters. The first was a divorce and child support matter with her husband, and the second was a division of property matter with her common law partner.

### Divorce and Child Support Matter

16. I began acting on [T]'s divorce and child support matter in November 2008. Between November 2008 and February 2010, I attempted to negotiate a settlement between the parties.
17. Little occurred on the file between February 2010 and March 2013.
18. In March 2013, I was instructed to make an application for child support. As a result of this application which was heard on March 26, 2013, the parties were directed to provide their financial information by April 12, 2013, and the matter was adjourned to April 30, 2013. As some information was provided, the April 30, 2013 date was adjourned.
19. Opposing counsel attempted to contact me several times between August and October 2013, and I did not respond to opposing counsel.
20. On October 10, 2013, the Court allowed the divorce to be severed from the corollary relief issues. A Divorce Judgment was granted on January 28, 2014.
21. I took no further steps on this matter with respect to the corollary relief matters despite the fact that [T] believed that the matter was progressing.
22. I acknowledge that I did not communicate with [T] regarding this matter as often or effectively as was reasonably expected of me.

### Division of Property Matter

23. [T] retained me with respect to an application brought by her common law partner to divide shared real estate in October 2011.
24. There were periods of time between December 2011 and May 2012, August 2012 and August 2013, and October 2013 and March 2014 where little was done to progress this matter.

25. Opposing counsel sent letters to me dated August 23, 2013, September 27, 2013 and October 21, 2013, to which I did not respond.
26. In March 2014, an Order was obtained which directed [T] to remove her common law partner's name from the mortgage obligation and from the title within 60 days of the Order or her former common-law partner would be allowed to sell the property and split the proceeds. The Order was registered on title.
27. [T] was unable to obtain sole financing. Between May and September 2014, negotiations continued between the parties and a house appraisal was obtained.
28. In April 2015, I wrote to opposing counsel to inquire as to whether he would be agreeable to having Justice Lee's Order removed from the house title since it was hindering [T]'s ability to obtain sole financing. I was advised by opposing counsel that his instructions were to proceed with enforcement of the Order.
29. Ultimately, an agreement between the parties was reached which included the Transfer of title to the property to be given to [T] and in consideration of doing so, [T] was to remove her former partner, Mr. [L] from the existing financing. In addition, the parties released any further claims they may have had against one another for support or other forms of relief arising since the date of separation.
30. I acknowledge that this matter did not progress as efficiently as it should have as a result of my failure to perform all functions competently, conscientiously, diligently, and in a timely manner. In addition, I did not communicate with [T] regarding this matter as often or effectively as was reasonably expected of me.
31. The Law Society sent letters to me dated May 8, May 29 and June 17, 2015 seeking a response to the complaint. I did not respond to these letters.
32. A s. 53 demand letter was sent by the Law Society to me on June 30, 2015. I received that letter on July 6, 2015. I did not respond to that letter.
33. A follow up letter was sent by the Law Society to me on July 27, 2015 requesting my response. I did not respond to that letter.
34. The Law Society sent a second follow up letter to me on September 1, 2015 requesting my response. I also did not respond to that letter.

### Admissions

#### *Citation 3*

35. I admit that I failed to provide legal services to my client, [T], to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and that such conduct is deserving of sanction.

#### *Citation 4*

36. I admit that I failed to respond to communications from another solicitor, in a timely manner, or at all and that such conduct is deserving of sanction.

*Citation 5*

37. I admit that I failed to respond promptly and completely to communications from the Law Society and that such conduct is deserving of sanction.

**Complaint File CO20160846 [JL]**

Citations

38. On August 17, 2016 a Conduct Committee Panel referred the following conduct to hearing:
  6. It is alleged that you failed to provide legal services to your client to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and such conduct is deserving of sanction;
  7. It is alleged that you failed to respond to communications from your client in a timely manner or at all and such conduct is deserving of sanction;
  8. It is alleged that you failed to respond promptly and completely to communications from the Law Society and such conduct is deserving of sanction.

Facts

39. [JL] retained me in June 2015. Her husband passed away without a will and she wished to make an application to be named as Administrator of her husband's estate.
40. I met with [JL] a couple of times during the following months, however, no application was ever made by me.
41. In February 2016, [JL] received a call from a collection agency regarding her husband's estate. She contacted me and I advised her that I would speak with the collection agency. I did not do so.
42. Since mid-February 2016, [JL] contacted me by email and telephone on multiple occasions, but I did not respond to her.
43. [JL] made a complaint to the Law Society on April 2, 2016.
44. The Law Society sent a letter dated April 11, 2016 to me asking that I respond to the complaint. I did not respond to this letter.
45. A s. 53 demand letter was e-mailed to me by the Law Society on May 20, 2016. I did not respond to that letter.
46. The Law Society sent a follow up letter by email to me on June 14, 2016 requesting a response by June 27, 2016. I did not respond to that letter.

## Admissions

### *Citation 6*

47. I admit that I failed to provide legal services to my client, [JL], to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and that such conduct is deserving of sanction.

### *Citation 7*

48. I admit that I failed to respond to communications from my client, [JL], in a timely manner, or at all, and that such conduct is deserving of sanction.

### *Citation 8*

49. I admit that I failed to respond promptly and completely to communications from the Law Society and that such conduct is deserving of sanction.

## **Complaint File CO20142123 [TK]**

### Citations

50. On August 17, 2016 a Conduct Committee Panel referred the following conduct to hearing:
9. It is alleged that you failed to provide legal services to your client to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and such conduct is deserving of sanction;
  10. It is alleged that you failed to respond to communications from your client in a timely manner, or at all and such conduct is deserving of sanction;
  11. It is alleged that you failed to advise your client of the limited extent and scope of the services you would provide and such conduct is deserving of sanction;
  12. It is alleged that you failed to be honest and candid with your client and such conduct is deserving of sanction;
  13. It is alleged that you failed to respond to communications from another solicitor in a timely manner, or at all and such conduct is deserving of sanction;
  14. It is alleged that you failed to respond promptly and completely to communications from the Law Society and such conduct is deserving of sanction.

### Facts

51. I previously acted for [TK] on a number of matters over the years. In 2003 or 2004, I resolved a spousal support issue. I assisted [TK] with respect to a contract dispute in 2005, an employment claim in 2007, and a home purchase/tenancy issue in 2008.
52. Due to my history with [TK], I did not enter into any written retainer or contingency agreements with her.
53. I generally billed [TK] at the conclusion of a matter and was often paid from funds received as a result of resolution of those matters.
54. In June 2008, [TK] and her common law spouse contracted with [AAA] to move their household goods and vehicle to Hamilton, Ontario. Issues arose with [AAA] and her personal property was not delivered. Some household goods were left in the home by [AAA]. [TK] believed that her landlords had appropriated these items. [TK] wished for [AAA], her insurers, and her former landlords to be held responsible for her loss and contacted me to assist her and instructed me to commence an action against the parties.
55. I wrote to [AAA], on June 8, 2008, to advise that I was acting for [TK] and her spouse.
56. While I believed that I was only acting for [TK] in a limited scope for the purpose of writing letters to set out her position, I did not make this information clear with her. [TK] believed that I was providing full representation legal services in all aspects of her matters.
57. I did not open a file until April 2010.
58. [TK] attempted to contact me many times, by telephone and email, to request reassurances that her matter was being dealt with or to request an update from me. I responded to only a few of these communications from [TK] and did not adequately address [TK]'s concerns.
59. Mr. [H] of Fraser Milner Casgrain LLP, solicitor for the insurer, wrote to me on January 25, 2010 requesting information, a copy of the Statement of Claim against the movers [AAA], and an update of the status of that action. I did not respond.
60. I also did not respond to Mr. [H]'s letters dated February 19, June 7, June 28, August 13, and September 23, 2010.
61. On June 10, 2014, I advised [TK] that I was not prepared to assist her.
62. By the time that I made [TK] aware that I would not act for her, her actions were barred by limitations.
63. I did not commence any legal action.
64. I did not bill [TK] for any time or disbursements.
65. [TK] made a complaint to the Law Society on October 29, 2014.
66. I was contacted by a Law Society Complaints Resolution Officer ("CRO") for a response to [TK]'s complaint on November 21, 2014, January 12, 2015, January 19, 2015, January 26, 2015. Despite promises to the CRO, I did not respond.

67. I was contacted by the Formal Complaints Reviewer for my response to letters dated February 25, May 4, and 14, 2015. I did not provide any responses.
68. After being contacted by a Law Society Investigator, I provided a response to the complaint on June 25, 2015.

#### Admissions

##### *Citation 9*

69. I admit that I failed to provide legal services to my client, [TK], to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and that such conduct is deserving of sanction.

##### *Citation 10*

70. I admit that I failed to respond to communications from my client, [TK], in a timely manner, or at all, and that such conduct is deserving of sanction.

##### *Citation 11*

71. I admit that I failed to advise my client, [TK], of the limited extent and scope of the services I would provide and that such conduct is deserving of sanction.

##### *Citation 12*

72. I admit that I failed to be honest and candid with my client, [TK], and that such conduct is deserving of sanction.

##### *Citation 13*

73. I admit that I failed to respond to communications from another solicitor in a timely manner, or at all, and that such conduct is deserving of sanction.

##### *Citation 14*

74. I admit that I failed to respond promptly and completely to communications from the Law Society and that such conduct is deserving of sanction.

#### **Complaint File CO20153025 [SC]**

#### Citations

75. On August 17, 2016 a Conduct Committee Panel referred the following conduct to hearing:
  15. It is alleged that you failed to provide legal services to your client to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and such conduct is deserving of sanction;

16. It is alleged that you failed to respond to communications from your client in a timely manner, or at all and such conduct is deserving of sanction.

### Facts

76. [SC] was a stay at home parent for 13 years without employment. On May 30, 2015, her husband refused to let her return to their home. She was without financial resources and had to rely on her family for support.
77. On June 23, 2015, I was appointed by Legal Aid Alberta to represent [SC] respecting divorce, spousal support, property, custody, and access issues.
78. I emailed [SC] a draft Statement of Claim on August 13, 2015, and she approved it that day. However, I did not file the Statement of Claim until September 23, 2015.
79. I did not return all of [SC]'s phone calls and emails.
80. [SC] requested a change of counsel from Legal Aid on November 23, 2015 and I was notified of this request on December 11, 2015.

### Admissions

#### *Citation 15*

81. I admit that I failed to provide legal services to my client, [SC], to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and that such conduct is deserving of sanction.

#### *Citation 16*

82. I admit that I failed to respond to communications from my client, [SC], in a timely manner, or at all, and that such conduct is deserving of sanction.

### **Complaint File CO20141503 [JB]**

### Citations

83. On August 17, 2016 a Conduct Committee Panel referred the following conduct to hearing:
  17. It is alleged that you failed to provide legal services to your client to the standard of competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and such conduct is deserving of sanction;
  18. It is alleged that you failed to act honorably and with integrity and such conduct is deserving of sanction;
  19. It is alleged that you failed to in a timely manner: account and report to your client, and deliver his file materials to his client and such conduct is deserving of sanction;

20. It is alleged that you failed to respond promptly and completely to communications from the Law Society and such conduct is deserving of sanction.

### Facts

84. [JB] retained me in September 2005 to initiate a wrongful dismissal action for on his behalf.
85. I filed a Statement of Claim on May 18, 2006.
86. I met with [JB] and filed an Affidavit of Records in the action in January 2007.
87. I did not take any further steps in the action.
88. I did not communicate with [JB] regularly to inform him of the progress of the action.
89. [JB] contacted a partner in my firm, Mr. [R], to complain that his matter was not progressing to his satisfaction. As a result, Mr. [R] emailed me and asked me to speak with [JB]. Mr. [R] also questioned whether there were any limitation issues to be concerned about.
90. I wrote [JB] on September 14, 2011 requesting instructions from him in order to continue with the lawsuit. At that time, I also advised [JB] that the action could be struck if a material step was not taken by January 16, 2012.
91. I received an application to dismiss [JB]'s action for long delay. I emailed [JB] this application on February 28, 2012. However, I did not follow up to ensure that [JB] had received the email or to obtain instructions from him.
92. On March 6, 2012, the action was dismissed by the Court for long delay.
93. The Law Society conducted an investigation into this complaint. While reviewing my file, the Law Society investigator located a letter addressed to [JB] dated March 8, 2012 which stated that it enclosed a copy of the Court Order dismissing the action. Although, I do not recall creating this letter, and I never provided a copy to [JB] or the Law Society, I accept the Law Society investigator's evidence that data on my computer indicated that the letter was created on September 19, 2014.
94. I accept that [JB] did not receive notice from me that his claim had been dismissed.
95. On February 14, 2014 I instructed my assistant to email [JB] to advise that we were discontinuing work on his file and refunding the balance of his retainer.
96. I did not return the balance of [JB]'s trust funds until June 6, 2014.
97. [JB] requested his file on several occasions, but I did not return it to him.
98. I received a letter from the Law Society on March 17, 2015 requesting a response to [JB]'s complaint. I did not provide a response to that letter.
99. I received a follow up letter from the Law Society which was dated April 7, 2015. I did not respond to that letter.

100. I did not provide any response to the Law Society with respect to [JB]'s complaint until March 17, 2015 after I was contacted by an Investigator.
101. On June 16, 2016, I was provided with a copy of the Investigation Report by the Law Society and was asked to provide comments. I did not respond to the Law Society.

#### Admissions

##### *Citation 17*

102. I admit that I failed to provide legal services to my client, [JB], to the standard of competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and that such conduct is deserving of sanction.

##### *Citation 18*

103. I admit that I failed to act honorably and with integrity and that such conduct is deserving of sanction.

##### *Citation 19*

104. I admit that I failed to in a timely manner: account and report to my client, and deliver his file materials to him and that such conduct is deserving of sanction.

##### *Citation 20*

105. I admit that I failed to respond promptly and completely to communications from the Law Society and that such conduct is deserving of sanction.

### **Complaint File 20152262 [CB]**

#### Citations

106. On August 17, 2016 a Conduct Committee Panel referred the following conduct to hearing:
  21. It is alleged that you failed to provide legal services to your client to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and such conduct is deserving of sanction;
  22. It is alleged that you failed to be candid with your client:
    - a. in leading her to believe that a Court Order had been obtained, when it had not;
    - b. by advising that you had filed documents for a Special Chambers application, when you had not;

and that such conduct is deserving of sanction;

23. It is alleged that you failed to respond to communications from your client in a timely manner or at all and such conduct is deserving of sanction;
24. It is alleged that you failed to respond promptly and completely to communications from the Law Society and such conduct is deserving of sanction.

### Facts

107. I was retained by [CB] in 2014 to assist her with a divorce and family matter.
- 108.
109. I filed an application for custody and child support. Subsequently, opposing counsel filed an application for shared parenting.
110. I called [CB] on April 13, 2015 from the courthouse, and I advised her that I believed that her best option was to agree to shared parenting. [CB] reluctantly agreed to my advice.
111. [CB] emailed me a number of times during April 2015, and I did not respond to her emails. I also did not respond to an email from her on June 29, 2015 requesting a copy of the interim shared parenting order.
112. On the April 13, 2015 court date, the court confirmed the existing shared parenting arrangement pending a full hearing at Special Chambers. Neither I, or the opposing counsel formalized the court order respecting the adjournment to a Special Chambers hearing or confirmation of the existing shared parenting arrangement. I believed it was not necessary and that [CB] understood that the existing shared parenting arrangement would continue until the Special Chambers application scheduled for September 2, 2015.
113. I met with [CB] on August 25 and 28, 2015, in preparation for the September 2, 2015 Special Chambers application. On both dates, I assured [CB] that all documents had been submitted for that application.
114. On September 1, 2015, [CB] obtained a Procedure Record. When she confronted me about nothing having been filed, I told her there must be a mistake and that I would check with the court and get back to her.
115. I did not get back to [CB], and she hired another lawyer.
116. I contacted [CB]'s new lawyer and advised that I would cover the cost of the adjournment of the Special Chambers application.
117. I was terminated from my position at Richards McGee shortly before the filing deadline for the application. As a result, I failed to file any documents for that application.
118. [CB] attempted to obtain an adjournment, which was denied, and shared parenting was ordered on September 2, 2015.
119. The Law Society sent a s. 53 demand letter to me on September 16, 2016 requesting a response to [CB]'s complaint. I did not respond to that letter.

120. I received follow up letters from the Law Society also seeking a response on October 5, 2015 and October 26, 2015. I did not respond to those letters.
121. After being contacted by a Law Society investigator, I finally responded to the Law Society regarding [CB]'s complaint on January 8, 2016.

### Admissions

#### *Citation 21*

122. I admit that I failed to provide legal services to my client, [CB], to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and such conduct is deserving of sanction;

#### *Citation 22(a)*

123. I acknowledge that I failed to formalize the direction of the court confirming the continuation of the shared parenting arrangement between the parents, but I do not admit that I failed to be candid with my client, [CB], by leading her to believe that no order was in place. I understand that the LSA will not be calling evidence in support of this citation.

#### *Citation 22(b)*

124. I admit that I failed to be candid with my client, [CB], by advising her that I had filed documents for a Special Chambers application, when I had not and that such conduct is deserving of sanction.

#### *Citation 23*

125. I admit that I failed to respond to communications from my client, [CB], in a timely manner or at all and that such conduct is deserving of sanction.

#### *Citation 24*

126. I admit that I failed to respond promptly and completely to communications from the Law Society and that such conduct is deserving of sanction.

### CONCLUSION

127. I admit as facts the statements in this Statement of Admitted Facts and Admission of Guilt for the purposes of these proceedings.
128. For the purposes of section 60 of the *Legal Profession Act*, I admit my guilt to the above conduct.
129. I acknowledge that I have had the opportunity to consult legal counsel and provide this Statement of Admitted Facts and Admission of Guilt on a voluntary basis.

THIS STATEMENT OF ADMITTED FACTS AND ADMISSION OF GUILT IS MADE THIS 17th DAY OF NOVEMBER, 2016.

“Christopher D. McKay”

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**WITNESS**

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**CHRISTOPHER D. MCKAY**