

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

AND

**IN THE MATTER OF A SECTION 61 RESIGNATION APPLICATION
BY BRADLEY MULDER
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Resignation Committee

Cal Johnson, QC - Chair (Bencher)
Nancy Dilts, QC - Committee Member (Bencher)
Louise Wasylenko - Committee Member (Bencher)

Appearances

Karen Hansen – Counsel for the Law Society of Alberta (LSA)
Bradley Mulder – Self-represented

Hearing Date

January 25, 2018

Hearing Location

LSA office, at 500, 919 - 11 Avenue SW, Calgary, Alberta

RESIGNATION COMMITTEE REPORT

Summary of Decision

1. Bradley Mulder applied for resignation from the LSA, pursuant to section 61(1) of the *Legal Profession Act*, (the *Act*). Because Mr. Mulder's conduct was the subject of citations issued pursuant to the *Act*, this Resignation Committee (Committee) was constituted to hear this application. At the time of this hearing, Mr. Mulder was a suspended member of the LSA.
2. After reviewing all of the evidence and exhibits and hearing the testimony and arguments of the LSA and the personal comments from Mr. Mulder, the Committee allowed the application pursuant to section 61 of the *Act* with oral reasons and advised that a written decision would follow. This is that written decision.

Preliminary Matters

3. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested, so a public hearing into Mr. Mulder's resignation application proceeded.

Citations

4. Mr. Mulder faced the following citations:
 - a. Failing to report an accident to the RCMP and failing to provide evidence of insurance;
 - b. Failing to respond promptly and completely to communications from the LSA;
 - c. Accepting trust funds from clients without having a trust account;
 - d. Misappropriating trust funds;
 - e. Failing to provide legal services to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner;
 - f. Using an illegal substance, [•];
 - g. Engaging in conduct unbecoming a lawyer while appearing before the Court;
 - h. Failing to be candid with LSA Investigators; and
 - i. Failing to respond promptly and completely to communications from the Custodian.

Agreed Statement of Facts

5. The Agreed Statement of Facts and Admissions, which is Exhibit 5.4, is attached as Schedule A to this decision and is an integral part of it.
6. Mr. Mulder was the subject of an investigation instigated by the LSA, as a result of which the LSA applied for and obtained an interim suspension order against Mr. Mulder on October 26, 2016, pursuant to section 63 of the Act. On that same date, the LSA applied for and obtained a custodianship order appointing a Custodian of the property and business of Mr. Mulder's law practice.
7. At the time of the application, there were five formal complaints under review and investigated by the LSA, as particularized in the Agreed Statement of Facts and Admissions. His conduct has been the subject of 12 completed Assurance Fund investigations. Six of the Assurance Fund investigations involve misappropriation on his part and which Mr. Mulder has admitted to. To date, the Assurance Fund has paid four Assurance Fund claims totaling \$22,312.05. Mr. Mulder's conduct is set out more particularly in Schedule A.

8. Mr. Mulder signed a Statutory Declaration dated September 15, 2017 acknowledging his suspension, custodianship, the formal complaints against him and that if he were found guilty of the conduct described in the Agreed Statement of Facts and Admissions, he would likely face disbarment.

The Submissions of the Parties

9. Mr. Mulder deferred to Ms. Hansen to present his application and acknowledged at the outset his agreement with the application, that he would not be represented by counsel and that his admissions of guilt were made freely and without coercion. Mr. Mulder and the LSA had agreed to proceed with the resignation application under s. 61 to avoid a lengthy and costly hearing.
10. Mr. Mulder also provided an Undertaking to (i) cooperate with the LSA and ALIA with respect to any claim made against him; (ii) pay any deductible with respect to any such claim and pay the LSA the amount of any claim paid the Assurance Fund or by any indemnity program fund; and (iii) surrender his LSA Certificate of Enrolment to the LSA if he is able to locate same.

Decision

11. The Committee determined that the Agreed Statement of Facts and Admissions was in an acceptable form.
12. Based on the evidence established by the Agreed Statement of Facts and Admissions, the Committee determined that it was in the best interests of the public to accept the application of Mr. Mulder to resign pursuant to section 61, effective immediately.
13. The Committee accepted the undertakings made by Mr. Mulder.
14. The Committee reviewed the costs of hearing this application, as prepared by the LSA. The Committee determined that Mr. Mulder must pay these costs prior to any later application for reinstatement.
15. A resignation under section 61 carries the force of a disbarment under section 1(c) of the Act. Pursuant to subsection 61(4) of the Act, the Committee directed that the following information to be entered into the roll:
 - a. The roll shall reflect that Mr. Mulder's application under section 61 of the Act was allowed on January 25, 2018; and
 - b. Details of this decision shall be noted in the roll, including the statement of facts put before this Committee.

Concluding Matters

16. The exhibits and this report will be available for public inspection, including the provision of copies of exhibits for a reasonable copy fee, except that identifying information in relation to persons other than Mr. Mulder will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).
17. A Notice to the Profession will be issued.
18. A Notice to the Attorney General is not required.

Dated at Calgary, Alberta, January 31, 2018.

Cal Johnson, QC - Chair

Nancy Dilts, QC

Louise Wasylenko

SCHEDULE A

IN THE MATTER OF THE *LEGAL PROFESSION ACT*

- AND -

IN THE MATTER OF A RESIGNATION APPLICATION BY
BRADLEY JAMES MULDER,
A MEMBER OF THE LAW SOCIETY OF ALBERTA

AGREED STATEMENT OF FACTS AND ADMISSIONS

A. BACKGROUND

1. I was admitted as a member of the Law Society of Alberta (the LSA) on June 21, 1999.
2. I have practiced in Red Deer, Alberta, since I was admitted as a member of the LSA.
3. Between June 21, 1999 and April 17, 2007, I practiced at Schnell Hardy Jones LLP.
4. Between May 7, 2007 and May 11, 2009, I practiced at Chapman Riebeek LLP.
5. Between May 11, 2009 and July 18, 2016, I practiced at Capeling Mulder Nulliah Snider LLP.
6. I practiced as a sole practitioner between July 18, 2016 and October 26, 2016. My primary area of practice was criminal law.
7. I was suspended pursuant to section 63 of the *Legal Professions Act* on October 26, 2016.
8. On October 26, 2016, [JS] was appointed as custodian of my law practice.
9. I remain subject to the interim suspension order granted October 26, 2016, as at the time of this application.

B. COMPLAINTS

10. There are currently five (5) complaints (the "Complaints") against me. No citations have been issued.

1. Complaint File: CO20161921 (Complainant: D. M.)

a. Facts

11. On August 3, 2016, the LSA received a complaint about me from D. M. regarding with whom she was in a motor vehicle collision, particulars of which are as follows:

- a. On July 6, 2016, I rear-ended D. M. with my vehicle while she sitting in her vehicle at a red light. I claimed responsibility for the collision.
 - b. At the time of the collision I was unable to produce to D. M. proof of insurance but advised that I would contact her via telephone to provide this information.
 - c. I further indicated that I would be interested in paying cash for the damage and informed D. M. that she need only report the collision to the RCMP if the damage was more than \$2,000.00.
 - d. I was sent a damage repair estimate via email from D. M. in the sum of \$4,500.00 and told that she was now going to report the collision to the RCMP. I agreed to report to the RCMP immediately himself.
 - e. D.M. was advised the following day by RCMP that their report was incomplete because I had not yet attended to report the collision to the RCMP. D. M. contacted me via telephone to encourage me to attend at the RCMP station and requested that I provide her with my insurance information.
 - f. I advised her that I would report the collision to the RCMP immediately and would call her once this was done. I did not do this.
 - g. I last spoke with D. M. in our neighborhood on July 26, 2016 and advised her that I had attended the RCMP detachment that day.
 - h. I understand that D.M. contacted the RCMP on July 27 and August 2, 2017 and in both instances she was told by the RCMP that I had not yet reported the collision.
 - i. I further understand that while I did not report the accident, D.M. paid out a \$1,000.00 deductible to her insurance company.
 - j. I did eventually provide the RCMP with information including my proof of insurance. This proof of insurance allowed D.M. to complete her insurance claim.
12. The LSA emailed me on January 26, 2017, requesting my response to the complaint. I did not respond to this email.
13. On February 21, 2017, a follow up letter was emailed to me requesting a response by March 3, 2017, failing which the matter would be sent to a Conduct Committee Panel ("CCP") without the benefit of my response. I did not respond to this letter.
14. Investigators with the LSA, [GJ] and [SF], requested that I provide a copy of the collision report and I did not comply with the request.
- b. Admissions**
15. I admit to the following conduct, which I also admit is conduct deserving of sanction as defined in section 49 of the *Act*.

- a. Failing to report an accident to the RCMP and failing to provide evidence of insurance and that such conduct is deserving of sanction; and
- b. Failing to respond promptly and completely to communications from the LSA.

2. Complaint File: CO20162416 (Complainant: LSA)

a. Facts

- 16. The LSA was informed that commencing in October of 2016, I accepted trust funds from clients while I did not have a trust account to do so, particulars of which are as follows:
 - a. I left the Red Deer Law Group LLP on July 21, 2016. While operating as a sole practitioner between July 21, 2016 and my interim suspension of October 26, 2016, I did not have a trust account. I was using my personal account at RBC for both personal and business transactions.
 - b. During the month of September 2016, I received trust monies from four separate clients totaling \$4,550.00 as follows:
 - a) \$500.00 (\$250.00 cash and \$250.00 electronic transfer) paid to me by D.D. in early September 2016;
 - b) \$1,000.00 paid to me by J. G. on September 26, 2016;
 - c) \$1,050.00 paid to me by J. C. on September 30, 2016; and
 - d) \$2,000.00 bank draft paid to me by P. D. for D. R. on September 30, 2016.
 - c. I did not deposit these retainer monies in to my RBC bank account between June 30, 2016 and November 1, 2016. On November 1, 2016, this account was overdrawn by \$81.08.
 - d. The \$2,000.00 bank draft was processed through an account at TD Bank and not the RBC account. I did not have an account at TD Bank.
- 17. I misappropriated trust funds from clients, particulars of which are as follows:

a) Former Client D. D.

In early September 2016, D. D. paid me a retainer of \$500.00 for a trial scheduled for February 13, 2017. I failed to provide D. D. with disclosure, failed to respond to his communications and did not advise D. D. that I had been suspended. I did not provide this file to the Custodian.

b) Former Client J. G.

J.G. paid me a retainer of \$1,000.00 on September 26, 2016. I was to attend court on his behalf on October 27, 2016. I did not appear or arrange for an agent to appear as I had been suspended and a warrant for J.G.'s arrest was issued.

c) Former Client J. C.

J.C. paid a \$1,050.00 cash retainer to me on September 30, 2016. I made a single first appearance and then attended court on October 27, 2016 to inform J. C. that I could no longer represent him. I did not earn the entire retainer paid to me by J. C. based on the services I provided up to October 27, 2016.

d) Former Client J. M.

J. M. paid me a retainer of \$1,000.00. I failed to attend a Court appearance for J. M. and a warrant issued as a result. J. M. was arrested. I utilized \$500.00 of J. M.'s retainer funds to post bail for release. The contents of the file for J. M. when the Custodian provided this to her were a receipt for \$500.00 from the RCMP, one page of penned notes and two copies of a scheduling notice. The file contained no Crown disclosure. The Custodian advised J. M. to retain new counsel for trial scheduled January 3, 2017.

18. I failed to provide legal services to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner, particulars of which are as follows:

a) Former Client D. B.

D. B. had a court appearance scheduled for June 2, 2016. Neither D. B. nor I appeared. My electronic calendar failed and as a result I missed this court appearance. A warrant issued for D. B. as a result of his and my non-attendance. Subsequently I appeared for D. B. and had this warrant vacated.

Further, D.B. was to attend court on November 3, 2016, but was advised by me on November 1 or 2, 2016, that his attendance would not be required. I had been suspended during this time and did not appear for D. B. in court on November 3, 2016, nor did I arrange for an agent to appear and a warrant issued that day for his arrest.

b) Former Client S. W.

I was counsel of record for S. W. until June 30, 2016, at which time he obtained new counsel, [LH]. [LH] sought notice of re-election, to which the Crown did not consent. S. W. swore in an Affidavit that he was unaware that I had elected trial in Provincial Court, nor had he been told there were other options. I do not specifically recall one way or another whether I explained all options to S. W. and he selected one of these or whether I myself selected the election without S. W.'s knowledge.

c) Former Client A. B.

I was counsel of record for A. B. and had an agent adjourn a matter until July 13, 2016. Neither I nor A. B. appeared in court on July 13, 2016 and a warrant issued for A. B. That warrant was later vacated and a new summons issued for attendance on October 5, 2016. A. B. attended on October 5, 2016 but I am alleged to have failed to attend. I

do not specifically recall if I did fail to attend on October 5, 2016, however it is possible that I did not.

d) Former Client M. K.

I was counsel of record for M. K., who had trial scheduled for August 15, 2016 on three separate matters. I failed to appear on that date. The matter was adjourned to 10:30 a.m. that morning, at which time neither I nor M. K. were in attendance resulting in warrants issuing for M. K.. I do not specifically recall if I did fail to attend on August 15, 2016, however it is possible that I did not.

e) Former Client J. A.

I was counsel of record for J. A., who had trial scheduled for August 19, 2016 in Ponoka, Alberta. J. A. was in custody at the time and appeared via CCTV however I failed to appear. As a result of an electronic calendar scheduling error, I was double booked and was in a trial for another client at the Didsbury courthouse at the same time as this matter was to proceed in Ponoka.

f) Former Client S. B.

I was counsel for S. B. who had a court appearance scheduled for September 28, 2016. I had filed a Designation of Counsel in this matter but did not appear on September 28, 2016. S. B. was present but then left because I was supposed to have been in attendance. A warrant to hold was issued for S. B.

g) Former Client J. S.

I was counsel for J.S., whose matter was scheduled to proceed in court on September 28, 2016. J. S. was in custody and I failed to appear resulting in the matter being put over to October 5, 2016 and J. S. remaining in custody.

h) Former Client R. P.

Mr. Mulder was counsel for R. P., whose matter was scheduled to proceed on September 28, 2016. The matter had been previously adjourned on September 19, 2016 and Judge [H] was seized with the matter. Neither I nor R. P. appeared and a warrant was issued.

i) Former Client M. L.

I was counsel of record for M. L. and had his matter adjourned to September 29, 2016. Neither M. L. nor I appeared on September 29, 2016 and a warrant issued for M. L. On October 6, 2016, Mr. Mulder filed a Designation of Counsel and the matter went back to warrant. On October 7, 2016, M. L. and I appeared in court and requested that the warrant be vacated. The Crown refused and the Court invited me to speak to a new release for M. L. The Crown agreed to the same previous release conditions, which included \$4,000.00 cash bail. The warrant had been released on September 29, 2016 and the original cash bail had already been estreated. M. L. had to produce an additional \$4,000.00 because of my failure to appear. I personally paid \$2,200.00 of this \$4,000.00 in an attempt to make up for my mistake. M. L. was taken into custody.

i) Former Client M. N.

I was counsel of record for M. N., who was scheduled to appear in court on September 30, 2016. I admit that I had not been responding to M. N.'s communications and M. N. appeared for his trial but I failed to appear as counsel because I was arrested that day. This arrest warrant resulted from my failing to appear in relation to my traffic violation tickets of June 30, 2016 for driving without insurance and failing to remain or return to the scene of an accident. I failed to appear before the Court for my own traffic matters because after leaving the firm of Capeling Mulder Nulliah Snider LLP I had a diary system linked between my computer and my cellular phone. Unfortunately, around the third week of September 2016, my computer and my phone crashed and I lost access to my calendar and all of my contacts.

k) Former Client G. W.

I was counsel for G. W., whose matter was scheduled for October 7, 2016. I allegedly did not appear and a warrant to hold was executed and the matter was put over. I do not specifically recall if I did fail to attend on October 7, 2016, however it is possible that I did not.

l) Former Client T. Y.

On October 25, 2016, I was to appear on a continuation of a bail hearing for T. Y. in front of Judge Deck despite not being formally retained by T. Y. I was in the courthouse that day however I allegedly failed to appear for this bail hearing continuation. The bail hearing was put over for a week and T. Y. remained in custody. I do not specifically recall if I did fail to attend on October 25, 2016, however it is possible that I did not.

m) Former Clients B. H. Ltd. and J. H.

On October 25, 2016, I was to conduct a two-day civil trial for my clients. I appeared half an hour late without the clients. I advised the Court that my clients had new counsel but could not name the new counsel or indicate why my clients were not present.

n) Former Client D. S.

I did not provide D. S.'s file to the Custodian as I did not know where the file was to do so and I had been suspended in late October 2016. The file contained only the disclosure package. There was a trial continuation scheduled for December 1, 2016. D. S. failed to appear and given that I did not provide this file to the Custodian no agent or counsel attended either. A warrant issued for D. S.'s arrest.

o) Former Client G. D.

I successfully assisted G. D. with a bail hearing however was unable to assist him with a further release when he was subsequently arrested. While G. D. was in Remand for a number of months I had little communication with him. Further, I failed to provide G. D.'s new counsel with his file which contained the disclosure related to his matter. In September 2016, I informed G. D.'s new counsel that I would remove myself as counsel of record and would provide him with G. D.'s file with the disclosure within. I failed to do so and on October 17, 2016, a follow up request was made to me by new counsel. I

again failed to comply with this request and new counsel had to take steps in November 2016 to have me removed from the record as counsel of record.

p) Former Client R. A.

R. A. had trial scheduled for January 5, 2017. I had received disclosure and was still counsel of record at the time of my suspension. Following my suspension, the Crown was bringing the matter forward and the Crown contacted the Custodian as they were unaware if R. A., who was in custody, knew of my suspension. I had not provided the Custodian with this file and as such, he told the Crown to communicate with R. A. directly.

q) Former Client D. L.

I was counsel for D. L. in a serious domestic arson matter scheduled for a three-day trial. The Crown entered their case and on the third day of trial, I failed to appear but my client D. L. was in attendance. The remainder of the trial was rescheduled to July 5, 2017, when the Crown and my former firm attempted but could not contact me.

r) Former Client K. L.

I acted for K. L. on a matrimonial file and she remained my client after I left my firm in July 2016. In early summer of 2016, I was to prepare an application seeking changes to child support and I agreed to a stay of support payments until that application was filed. I failed to file that application and as a result, K. L. was without support payments since the summer of 2016.

I failed to respond to K. L.'s communications and repeatedly failed to attend scheduled appointments. K. L. was unable to retrieve her file from me and I did not provide the file to the Custodian.

I did not remit to K. L. a Statement of Account but her \$2,500.00 retainer was used up.

19. I used an illegal substance, [•], the particulars which are as follows:

- a. I admitted to the LSA Investigators that I had a [•] addiction and that I had purchased [•] from former clients. I attended rehabilitation in 2006 and maintained a non-using lifestyle for four to five years but eventually started using again and this has been an on-again, off-again struggle since then. I attended rehabilitation again in 2015 at the urging of my family and my law firm. When I returned, I was initially able to abstain but eventually started using [•] again. I left the law firm of Capeling Mulder Nulliah and Snider LLP due to my [•] addiction.
- b. I admitted to LSA Investigators that I missed some clients' court dates due to my addiction.

20. I engaged in conduct unbecoming while appearing before the Court, the particulars which are as follows:

- a. On September 9, 2016, I attended docket court before Judge [Y] an hour late and had problems focusing on simple questions. I was asked three times by the

Court to respond to a question about whether the Crown's estimate of the time required for trial was reasonable.

- b. On October 7, 2016, before Judge [H], I fell asleep while the Crown Prosecutor was cross-examining a witness.
 - c. At the time, I suffered from sleep apnea which interfered with my sleep patterns and my ability to sleep well.
21. I failed to be candid with LSA Investigators, particulars of which are as follows:
- a. On October 7, 2016, [J.D.], Manager of Investigations, spoke with me. During that conversation, I stated that since I left the law firm of Capeling Mulder Nulliah and Snider LLP on July 21, 2016, I had not received any trust funds. That statement was incorrect as the following retainer monies were paid to me in September 2016:
 - a) \$500.00 (\$250.00 cash and \$250.00 electronic transfer) paid to me by D. D. in early September 2016 for a trial scheduled for February 13, 2017;
 - b) \$1,000.00 paid to me by J. G. on September 26, 2016, for a court appearance on October 27, 2016;
 - c) \$1,050.00 paid to me by J. C. on September 30, 2016; and
 - d) \$2,000.00 bank draft paid to me on September 30, 2016 by P. D.
 - b. On October 7, 2016, I advised Investigator [D] that I was back in treatment and has rejoined support groups to assist with my [•] addiction. This statement differed from my subsequent LSA interview on October 12, 2016 where I stated that I was not in treatment and had not rejoined any support groups.
 - c. On October 26, 2016, [Investigator S.F.] requested that I provide banking information used for my practice. I advised him that I banked with the RBC main branch but that I did not know the account number.
22. I failed to respond promptly and completely to communications from the Custodian, particulars of which are as follows:
- a. Between November 4 and 10, 2016, I made several promises to the Custodian, [JS] to provide him with my closed files. On November 14, 2016, I provided [JS] with one banker's box containing nine (9) closed files.
 - b. On November 16, 2016, [JS] was contacted by my client (K. L.), attempting to locate her matrimonial file. [JS] e-mailed me to ask for that file. I did not respond.

- c. On November 28, 2016, [JS] e-mailed me a further request for the file. I responded by stating that I would have the file couriered to him on November 30, 2016 but I failed to do so.
 - d. I have not provided [JS] with K. L.'s file.
23. I failed to respond promptly and completely to communications from the LSA, particulars which are as follows:

Trust Safety

- a. I left the law firm of Capeling Mulder Nulliah and Snider LLP on July 21, 2016. On July 22, 2016, Trust Safety e-mailed me requesting that I submit an application to designate a responsible lawyer and/or operate a trust account. I did not respond to this email or submit an application.
- b. Trust Safety followed up with me on July 29, 2016 by e-mail and phone call. I did not respond to the e-mail and did not answer my phone or call Trust Safety to address this matter of RL designation and operation of a trust account. My voice mail was also full at this time so no messages could be left for me.
- c. Further phone calls were made to me on August 25 and 30, 2016. I did not answer and my voice mail remained full so no messages could be left for me. I spoke with Trust Safety on September 7, 2016 apologized for not submitting my application. I did submit my application to Trust Safety 30 minutes before being interviewed by the LSA.

Law Society Investigators

- d. On October 12, 2016, LSA Investigators [GJ] and [SF] (Investigators [J] and [F]) interviewed me. I advised them that I had approximately 60 to 70 clients and would provide a client listing the following day. I failed to provide my client listing.
- e. On October 13, 2016, Investigators [J] and [F] e-mailed me a Part 3 request directing me to provide a listing of all former and current clients, all clients for whom I failed to attend court, all clients who were arrested or had warrants issued as a result of my inaction, copies of accounting ledgers and bank statements, and the names of current and former clients from whom I had obtained drugs. I was asked to respond within five (5) working days. I did not respond to this request.
- f. On October 21, 2016, I was emailed a second Part 3 request directing me to immediately provide copies of all accident reports from accidents I was in from June 1, 2016 to October 21, 2016. I did not respond.
- g. On October 26, 2016, I provided Investigator [F] with certain current client files and other documentation and I told him I would respond to the Part 3 requests. I provided only a few documents and files of my current client files to that date.
- h. On November 7, 2016, a third Part 3 request was e-mailed to me requesting that I provide available interview dates and my computer, cell phone and any other

electronic storage or communication device accessible to me. I was asked to respond to this request immediately but did not respond.

- i. I spoke with Investigator [JD], Manager of Investigations with the LSA, on November 10, 2016. I confirmed that I had received all the Part 3 requests and would respond that day. I did not respond.
- j. On November 28, 2016, Investigator [J] e-mailed me requesting a meeting to obtain the remainder of my client files. I would not meet with him but I promised to deliver all remaining files in my possession to the Custodian the following day. I did not provide any further files to the Custodian or the Law Society.

Practice Management

- k. On November 9, 2016, Practice Management directed me to undertake to arrange an independent medical examination, and to work with Practice Management in pursuing such recovery and maintenance plans as may be prescribed. An Undertaking was sent to me on November 9, 2016 requesting that if I agreed with the Undertaking, to sign and return it before November 21, 2016. I failed to respond or communicate any further with Practice Management.

Conduct

- l. A section 53 demand letter was e-mailed to me on January 25, 2017, requesting my response to the Law Society Investigation Report. I did not provide a response to this letter.
- m. A follow up letter was e-mailed to me on February 21, 2017, requesting my response by March 3, 2017, failing which, the matter would be sent to a Conduct Committee Panel without the benefit of my response. I did not respond to this letter.
- n. A final letter was e-mailed to me on March 7, 2017, indicating that since no response had been received, a final review of the matter would proceed. I did not respond to this letter nor did I contact anyone at the LSA to discuss.

b. Admissions

24. I admit to the following conduct, which I also admit is conduct deserving of sanction as defined in section 49 of the Act:

- a. I accepted trust funds from clients without having a trust account;
- b. I misappropriated trust funds from the following clients:
 - a) D.D.;
 - b) J. G.;
 - c) J. C.; and

- d) J.M.
- c. I failed to provide legal services to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner to the following clients:
- a) D. B.;
 - b) S. W.;
 - c) A. B.;
 - d) M. K.;
 - e) J. A.;
 - f) S. B.;
 - g) J. S.;
 - h) R. P.;
 - i) G. D.;
 - j) M. L.;
 - k) M. N.;
 - l) T. Y.;
 - m) B. H. Ltd. and J. H.;
 - n) D. S.;
 - o) G. D.;
 - p) R. A.;
 - q) D. L.; and
 - r) K. L.
- d. I used an illegal substance, [•].
- e. I engaged in conduct unbecoming a lawyer while appearing before the Court;
- f. I failed to be candid with LSA Investigators;

- g. I failed to respond promptly and completely to communications from the Custodian.
- h. I failed to respond promptly and completely to communications from the LSA.

3. Complaint File: CO20170347 (Complainant: LSA)

a. Facts

- 25. On February 10, 2017, the LSA became aware of a CBC News article of February 9, 2017, detailing my arrest and criminal charges, particulars of which are as follows:
 - a. On Tuesday, February 7, 2017, I was arrested in a home in Sylvan Lake and charged with possession of counterfeit currency and possession of a prohibited weapon. I was found in an ensuite bathroom in the home in Sylvan Lake searched by RCMP in their execution of a search warrant.
 - b. The home in which I was found was that of one of his clients and within this home the RCMP found several printers, counterfeit Canadian and US currency, tools for making counterfeit money, and stolen property.
 - c. Upon arrest the RCMP handcuffed me and put a jacket on me, this jacket did not belong to me. Once transported to the RCMP detachment and searched, the RCMP found a counterfeit twenty dollar bill and a switchblade knife in the pocket of the jacket they had put on me earlier.
 - d. The RCMP determined that I did not live at the residence that was originally searched and I was not involved in the production of the counterfeit money.
 - e. I was released on a Recognizance with a Trial scheduled for September 18, 2017, on the charges of possession of counterfeit currency and possession of a restricted weapon. My counsel on these charges is [AP].
 - f. I attended before the Provincial Court of Alberta on September 18, 2017 for Trial. At trial the charge of possession of counterfeit currency was withdrawn. And, the charge of possession of a restricted weapon was diverted into the extra judicial sanctions program. Once I complete the extra judicial sanctions program this charge will also be withdrawn.
 - g. A review of the disclosure in this matter revealed that there were two additional unrelated matters that I was to address:
 - i) The first was a traffic violation ticket that I received on June 20, 2016, for driving without insurance for which a trial was scheduled for February 13, 2017. I failed to attend this trial date and a warrant issued; and
 - ii) The second was for two offences on January 27, 2017, where I was found in possession of stolen property,

one under \$5,000.00 and one over \$5,000.00. These charges are currently proceeding in the Courts.

- h. I failed to inform the LSA of any of these above noted criminal matters at the time of their occurrence or subsequent to their occurrence.
 - i. I also failed to provide a response to this complaint.
- 26. On February 17, 2017, Investigator [J] emailed me a Part 3 request directing me to provide, within five (5) working days, copies of all Court documents regarding my criminal charges, and to provide dates I was available for an interview. I failed to respond to this request.
- 27. Investigator [J] emailed me once again on February 24, 2017, a second Part 3 request directing that I provide the previously requested documents and available interview dates within three (3) working days. I failed to respond to this request.
- 28. Investigator [J] emailed me a third time on March 2, 2017, and provided a third Part 2 request for the documents and available dates for interview within three (3) working dates. I did not respond to this request.
- 29. Investigator [J] spoke with my counsel and requested that he pass along to me a message that he contact Investigator [J]. I still did not respond.
- 30. The Law Society Investigation Report was finalized.
- 31. A section 53 demand letter was emailed out to me on March 21, 2017 requesting my response to the Law Society Investigation Report. I did not provide any response to this demand letter.
- 32. A follow up letter was emailed on April 12, 2017 to me requesting my response by April 26, 2017, failing which, the matter would be sent to a Conduct Committee Panel (a "CCP") without the benefit of my response. I did not respond to this follow up letter.
- 33. On April 28, 2017, a final letter was sent via email to me indicating that a final review of the matter would proceed now given that I had failed to respond.

b. Admissions

- 34. I admit to the following conduct, which I also admit is conduct deserving of sanction as defined in section 49 of the Act:
 - a. I failed to report my criminal charges to the LSA and that such conduct is deserving sanction;
 - b. I brought the legal profession in to disrepute; and
 - c. I failed to promptly and completely respond to communications from the LSA.

4. Complaint File: CO20170450 (Complainant: D. P.) (Mother to Former Client)

a. Facts

35. On February 27, 2017, the LSA received a complaint from D. P. about me as counsel to whom she had paid a retainer for her daughter who retained me in June 2016 to represent her in a criminal matter, particulars of which are as follows:
 - a. Between July 6 and August 26, 2016, D.P. made four (4) payments to me totaling \$4,000.00 towards legal fees.
 - b. I did appear as counsel for D. P's daughter for two separate bail hearings for D. P.'s daughter and both were successful. I did not agree to act for D. P's daughter beyond attending to these two bail hearings as my practice was focused on bail hearings only at that time. Nor was I provided retainer fees to conduct any trial matters for D. P.'s daughter.
 - c. D. P. alleges that I failed to attend several Court appearances resulting in warrants being issued for her daughter's arrest. D. P. reports that fines were ordered against her daughter as a result of these missed Court appearances and she paid these fines on her daughter's behalf; one payment of \$2,000.00 on August 27, 2016, one payment of \$1,750.00 on August 31, 2016 and one payment of \$500.00 on September 1, 2016. I contend that there is miscommunication between D. P. and her daughter and that I did not miss any Court appearances that I was retained on or had agreed to act for D. P.'s daughter.
36. A section 53 demand letter was emailed to me on March 30, 2017 requesting my response to this complaint. I did not respond to this complaint.
37. On April 21, 2017 a follow up letter was emailed to me requesting a response by May 8, 2017, failing which the matter would be sent to a Conduct Committee Panel (a "CCP") without the benefit of a response by me. I have not provided any response to the LSA to date.

b. Admissions

38. I admit to the following conduct, which I also admit is conduct deserving of sanction as defined in section 49 of the Act:
 - a. I failed to promptly and completely respond to communications from the LSA.

C. COMPLAINT HISTORY

39. In addition to the complaints outlined above, the LSA is currently conducting an investigation concerning a complaint by R.S.
 - i) The complainant alleges that I misappropriated cash bail funds assigned to me in failing to account for the cash received from the complainant as a loan two of my

clients contrary to Rule 119.39 and failing to follow trust fund accounting rules. I do not admit to these allegations.

ii) The complainant further alleges that I failed to provide accurate legal advice to him regarding a lease to purchase agreement that he executed on May 7, 2012, prior to retaining me to assist with the Real Estate Purchase Contract which he signed on April 25, 2016, prior to retaining me in May 2016, as his counsel for this purchase. I do not admit this allegation.

D. SUMMARY

40. I am bringing this application to resign as a member of the LSA in order to:
- a. Avoid a lengthy hearing into the merits of these Complaints;
 - b. Avoid inconveniencing witnesses and adjudicators by having to attend a lengthy hearing into the merits of these Complaints; and
 - c. Bring these matters to a conclusion.

E. INDEPENDENT LEGAL ADVICE

41. I agree that:
- a. I have received independent legal advice regarding the implications of this application; and
 - b. I have signed this Agreed Statement of Facts and Admissions voluntarily and without any compulsion or duress.

ALL OF THESE FACTS ARE ADMITTED TO THIS 19TH DAY OF SEPTEMBER 2017.

“Witness”

**Witness to the Signature of
Bradley James Mulder**

“Bradley James Mulder”

Bradley James Mulder