IN THE MATTER OF PART 3 OF THE
***LEGAL PROFESSION ACT*, RSA 2000, C. L-8**

AND

IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF PETER MAWSON
A MEMBER OF THE LAW SOCIETY OF ALBERTA

Hearing Committee

Carsten Jensen, QC – Chair
Schuyler Wensel, QC – Adjudicator
Dr. Nick Tywoniuk – Adjudicator

Appearances

Karl Seidenz – Counsel for the Law Society of Alberta (LSA)
Michael Sparks – Counsel for Peter Mawson

Hearing Date

June 21, 2019

Hearing Location

LSA office, at 800, 10104 - 103 Avenue, Edmonton, Alberta

HEARING COMMITTEE REPORT

Overview

1. Peter Mawson is a lawyer, practicing in Edmonton, primarily in the area of real estate conveying, estate planning and administration, corporate/commercial law, and civil litigation. Mr. Mawson was admitted to practice on June 10, 2005.

2. This hearing arose from 4 complaints, and the Hearing Committee was convened on June 21, 2019 to consider 27 citations arising from those complaints. The citations are all set out in the Statement of Admitted Facts and Admissions of Guilt (the **Statement of Admissions**), a redacted version of which is attached as **Appendix A** to this Report.

3. In general terms, the citations relate to poor client service, and related failures of candour and dishonesty. The complaints and citations are numerous and are very serious, and reflect an ongoing pattern over a long period of time. In mitigation, it is noted that Mr. Mawson was dealing with grief and alcohol addiction issues, for which he has sought treatment, and that he has a positive Practice Assessment Report. It is also noted that Mr. Mawson has not had any complaints since engaging in the Practice Management process.

4. Mr. Mawson's poor service included failing to file pleadings by a deadline agreed with opposing counsel, failing to contact clients for long periods of time or to respond to their

inquiries, failing to seek instructions from clients, failing to provide important documents to clients (including a Formal Offer to Settle, summary dismissal materials, a Bill of Costs, assessment materials, a contempt application and other court documents), failing to follow up, failing to properly address and schedule questioning, failing to consider the need for opposing evidence or cross examination, failing to follow up on a potential appeal, failing to attend Court, failing to properly address enforcement proceedings impacting a client, failing to advise clients of adverse Court decisions and adverse litigation developments, repeatedly failing to respond to opposing counsel, failing to move litigation forward, and generally failing to advise clients and to seek their instructions.

5. Additionally, Mr. Mawson failed to respond to the LSA (despite reminders), and failed to follow the LSA's accounting rules.

6. Finally, the citations include repeated failures to be candid, with clients, and with opposing counsel. This includes failures to be candid about relatively minor litigation details, such as questioning dates, as well as more substantial matters, such as the existence and handling of adverse costs awards.

7. Of greatest concern, the citations include instances of outright dishonesty, including repeated instances of dishonesty with opposing counsel about instructions from clients, and the fabrication of multiple letters placed on Mr. Mawson's client correspondence files, to make it appear that he had communicated with clients or opposing counsel, when he had in fact not done so. The citations also include a failure to be candid with the LSA about these matters.

8. The Committee had the benefit of receiving agreed exhibits, including the Statement of Admissions, in advance of the Hearing. This comprised over 1,000 pages of evidence and materials. The Committee reviewed those materials carefully, and also heard from counsel for the LSA and counsel for Mr. Mawson.

9. The Committee determined that the Statement of Admissions was in a form acceptable to it, pursuant to s. 60(2)(a) of the *Legal Profession Act*, and so each admission of guilt of Mr. Mawson in the Statement of Admissions is deemed to be a finding of the Committee that the conduct of Mr. Mawson is conduct deserving of sanction pursuant to s. 49 and s. 60(4) of the *Legal Profession Act*.

10. The LSA did not lead evidence with respect to Citation 14, and no admission was made with respect to that Citation, and so Citation 14 has been dismissed.

11. The LSA and Mr. Mawson, through counsel, presented a joint submission on sanction. That joint submission sought a 20-month suspension, with a start date of October 1, 2019, with Mr. Mawson being obliged to pay costs as set out in Exhibit 7, in the amount of $45,810.70.

12. After considering the submissions of counsel, the Committee accepted the joint submission on sanction, and ordered accordingly pursuant to s. 72 of the *Legal Profession Act*.

13. The Committee provided a brief oral decision on June 21, 2019, with an indication that written reasons would follow. This Report contains those written reasons.

Preliminary Matters

14. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested, so this matter proceeded as a public hearing.

15. The Panel received and marked a number of Exhibits during the course of the hearing, all by consent. Those include the following:

    a) Exhibit 1 – The Letter of Appointment appointing this Hearing Committee to hear this matter;

    b) Exhibit 2 – The Notice to Solicitor and Notice to Attend;

    c) Exhibit 3 – The Certificate of Standing of Mr. Mawson;

    d) Exhibit 4 – The Certificate of Exercise of Discretion with respect to private hearing application notices;

    e) Exhibit 5 – The Statement of Admissions;

    f) Exhibit 6 – Mr. Mawson's Discipline Record (showing that he has no discipline record with the LSA);

    g) Exhibit 7 – A Statement of Costs, the quantum of which was agreed in the amount of $45,810.70.

Statement of Admissions/Background

16. As noted above, Mr. Mawson was admitted to practice in Alberta on June 10, 2005, after which he practiced in Edmonton primarily in real estate, estate work, corporate/commercial law, and some civil litigation. Civil litigation appears to have been a relatively small part of Mr. Mawson's practice, although it is the area in which the citations against Mr. Mawson arose.

17. Complaint One against Mr. Mawson arose from his handling of a litigation matter for his client M.A.

18. In short, Mr. Mawson was retained by M.A. in June 2014 in relation to the breakdown of a common law relationship. Mr. Mawson accepted service of a Statement of Claim against his client, and did not take steps to file a Statement of Defence, resulting in his client being noted in default, with a number of negative consequences arising for the client. Mr. Mawson failed to advise his client that he had been noted in default, and Mr. Mawson failed to handle this matter properly on his departure from one law firm, to go join another law firm. The client M.A. was kept in the dark about the status of his matter for two years. Mr. Mawson failed to respond to the LSA's inquiries with respect to this matter.

19. Complaints Two and Three arise from Mr. Mawson's failures in properly serving his client A.S. These complaints resulted in 17 citations with respect to Mr. Mawson's conduct.[1]

20. Mr. Mawson was retained to defend A.S. and his partner in a lawsuit arising out of the sale of a residential property. The matter was handled very badly, and in particular Mr. Mawson failed to inform his client of an Offer to Settle, and failed to follow up with his client about that offer before it expired. Mr. Mawson failed to provide summary dismissal materials to his client, failed to consider whether he needed to file a responding Affidavit to a summary dismissal application, failed to consider whether he should cross examine on Affidavits filed by opposing parties, and then failed to promptly put together the necessary responding materials.

21. Further, after the summary dismissal hearing was held, and decided against his client, Mr. Mawson failed to provide court materials to his client, and failed to properly advise him with respect to a possible appeal. Mr. Mawson failed to provide documents with respect to enforcement proceedings to his client, failed to promptly execute a Bill of Costs, and failed to properly deal with an application to compel questioning.

22. Mr. Mawson did not advise his client of an Order requiring A.S. to attend questioning, and was not candid with his client about that Order. Mr. Mawson failed to attend court on this matter, and failed to properly handle the resulting contempt application, including a failure to advise his client regarding the need to attend at questioning to avoid a contempt finding. Mr. Mawson failed to provide A.S. with the Court Order with respect to costs against him, and failed to be candid about that Order.

23. Mr. Mawson's failures extended to the resulting enforcement proceedings, which he failed to properly address by ensuring that the costs penalty was paid by a Court imposed deadline, and failing to respond to opposing counsel. Mr. Mawson was not candid with his client about this matter, and breached the LSA's accounting rules in paying a portion of the costs award out of his client's trust funds, without their knowledge or instruction. Mr. Mawson failed to respond to at least 20 communications from opposing counsel, and was not completely honest with opposing counsel about his instructions, or about A.S.'s availability.

24. Most significantly, Mr. Mawson fabricated two letters on July 29, 2014, and placed them on his correspondence file for A.S., to make it seem as if he had been trying to contact his clients to schedule questioning in or around that time, which was not true. Mr. Mawson failed to be candid about this matter with the LSA.

25. Complaint Four arose from Mr. Mawson's dealings with his clients D.T. and J.H. This matter arose from a Civil Claim by his clients against a numbered company related to a default by the Defendants on two mortgages owned by Mr. Mawson's clients.

26. Mr. Mawson failed to advise his clients with respect to a dismissal application, failed to get their instructions regarding that application, failed to advise his clients about the results of the hearing, and failed to seek instructions from his clients about how they

[1] As noted earlier, no evidence was led with respect to one of these citations, being citation 14, and so this citation is dismissed.

wanted to proceed in light of the dismissal of their action. Mr. Mawson failed to provide resulting Court documents, including a filed Order and Bill of Costs, to his clients. Mr. Mawson had failed to move the action of his clients forward, and he was not candid with opposing counsel about his instructions, and about scheduling matters.

27. Most significantly, Mr. Mawson fabricated three letters to opposing counsel on or around August 6, 2015, and back-dated those letters to earlier dates, to make it seem as if he was moving his clients' litigation matter forward, which he was not. Mr. Mawson failed to be candid with the LSA with respect to these matters.

28. The Committee received a report dated April 1, 2018 from a Chartered Psychologist, [DP], Ph.D. That report detailed Mr. Mawson's difficulties with grief arising from the death of his mother, and his feelings of self-recrimination, anxiety and fear. In addition, Dr. [DP] noted the work that Mr. Mawson had done in order to deal with his dependence on alcohol. Dr. [DP]'s report concluded:

> In sum, Mr. Mawson's inability to deal with the death of his mother and his own self-destructive behaviours led to his seeking therapy. In my opinion, Mr. Mawson is now a sober, thoughtful attorney with improved self-esteem. I believe he would echo these opinions…

29. In addition, the Committee received a detailed report from the Practice Management group at the LSA dated May 7, 2018. This report outlined Mr. Mawson's extensive involvement with Practice Management starting with his referral from the Conduct Committee panel in April 2017.

30. Mr. Mawson underwent a Practice Assessment in June 2017, which resulted in a series of undertakings which Mr. Mawson provided. Those undertakings included specific steps to be implemented to improve his file intake and file management, as well as a new file screening process. In addition, Mr. Mawson was to take various course, work on wellness strategies, and become more involved in the profession.

31. Follow-up office consultations were conducted on multiple occasions in 2017 and 2018, and a follow-up Practice Assessment was undertaken in March 2018. That assessment showed Mr. Mawson's practice to be much improved, and he was noted to be in compliance with the undertakings he had given. Mr. Mawson appeared to be less anxious and more confident, and he was using the office systems that had been developed. It was noted that Mr. Mawson had stopped drinking alcohol.

32. The follow-up Practice Assessment also noted that Mr. Mawson had not attracted any new complaints since starting the Practice Management process. It was recommended that Mr. Mawson be relieved of his undertakings and that the Practice Management file be closed.

Submissions of the LSA

33. Counsel for the LSA provided the Committee with a detailed overview of the complaints, and noted that the citations include very serious allegations, arising from serious complaints. LSA counsel advised that, in the ordinary course, with these kinds of allegations (included admitted dishonesty), the LSA would likely be seeking disbarment.

34. In this case, the LSA's position, as outlined in the joint submission on sanction, was that a 20-month suspension would be appropriate. The LSA's position was based on three factors.

35. The first factor was the psychological report of Dr. [DP], which detailed the struggles that Mr. Mawson had faced, including the death of his mother and his medical issues with alcohol abuse.

36. The second factor was the report from Practice Management, which was a very positive report about Mr. Mawson's progress. It was noted that Practice Management's function is to work with lawyers in order to rehabilitate them, assist them, and help them. Mr. Mawson's progress was noted to very significant, particularly in his ability to adopt wellness strategies that would serve him well going forward.

37. The third factor was the real cooperation demonstrated by Mr. Mawson and his counsel with the discipline process, leading to the point where a full hearing on the merits was not required.

38. Taken together, the LSA's position was that these three factors point to a 20-month suspension as being an appropriate sanction in this case to fulfill the purposes of the discipline process. Specifically, the LSA noted that the Committee is to take a purposive approach to dealing with discipline matters, with a focus on two overall factors: the protection of the public and the protection of the standing of the legal profession generally. In this regard, the LSA Hearing Guide provides (at para 57):

> The primary purpose of disciplinary proceedings is found in section 49(1) of the *Legal Profession Act* (set out above): (1) the protection of the best interests of the public (including the members of the Society) and (2) protecting the standing of the legal profession generally. The fundamental purpose of the sanctioning process is to ensure that the public is protected and that the public maintains a high degree of confidence in the legal profession.
>
> > It is important that there should be full understanding of the reasons why the tribunal makes orders which might otherwise seem harsh….In most cases the order of the tribunal will be primarily directed to one or other or both of two other purposes. One is to be sure that the offender does not have the opportunity to repeat the offence. This purpose is achieved for a limited period by an order of suspension; plainly it is hoped that experience of suspension will make the offender meticulous in his future compliance with the required standards. The purpose is achieved for a longer period, and quite possibly indefinitely, by an order of striking off. The second purpose is the most fundamental of all; to maintain the reputation of the solicitors' profession as one in which every

> member, of whatever standing, may be trusted to the ends of the earth. To maintain this reputation and sustain public confidence in the integrity of the profession it is often necessary that those guilty of serious lapses are not only expelled, but denied re-admission. If a member of the public sells his house, very often his largest asset, and entrusts the proceedings to his solicitor, pending re-investment in another house, he is ordinarily entitled to expect that the solicitor will be a person whose trustworthiness is not, and never has been, seriously in question. Otherwise, the whole profession, and the public as a whole, is injured. A profession's most valuable asset is its collective reputation and the confidence which that inspires.
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> *Bolton v. Law Society*, [1994] 2 All ER 486 at 492 (C.A.), per Sir Thomas Bingham MR for the court.

39. The LSA noted another general factor for the Committee to consider, being the ability of the profession to effectively govern its own members. On this point, the LSA advised that the falsified letters were on Mr. Mawson's files, but they were created before the LSA was involved, and so were not created specifically to mislead the LSA.

40. LSA Counsel argued that the issues of specific deterrence of the Member, general deterrence of other members, denunciation of the conduct, and rehabilitation of the Member, all mitigate towards a suspension. The LSA noted that Mr. Mawson has no disciplinary record, and emphasized his cooperation with the discipline process.

41. LSA Counsel referenced the decision in *Law Society of Alberta v. Tahn*, 2018 ABLS 10 (CanLII). In *Tahn*, a number of factors were identified in relation to the sanction proposed (at para. 19):

> The parties identified the following factors in relation to the sanction proposed:
>
> 1) The hearing was originally scheduled for eight days, with 19 witnesses. With the Admission and the cooperation of Mr. Tahn, the hearing was shortened to half a day, and no witnesses were required to attend. This saved significant time and resources for the parties and the witnesses, as well as stress for the witnesses, and was a significant mitigating factor;
>
> 2) Mr. Tahn's disciplinary record indicates that he was found guilty of one count of conduct deserving of sanction in 2006, for which he received a reprimand and was ordered to pay costs (Exhibit S1);
>
> 3) The sanction promotes certainty;

4) The sanction is in line with the sanction in other cases (citing the 18-month suspension ordered in the *Law Society of Alberta v. Dear*[2] case);

5) The sanction is an effective deterrent to Mr. Tahn specifically;

6) The sanction is an effective general deterrent to other lawyers;

7) The delayed suspension allows Mr. Tahn to deal with or transfer his remaining files, such that the costs of a custodian can be avoided; and

8) The sanction meets the test of public scrutiny.

42. LSA Counsel also referenced the decision in *Law Society of Alberta v. Rutschmann*, 2007 LSA 1 (CanLII). In *Rutschmann*, the lawyer falsified an Affidavit of Service and then attempted to cover it up after the fact. She received a 24-month suspension, although the LSA had recommended disbarment. After reviewing aggravating and mitigating factors, the Hearing Committee in *Rutschmann* did not direct disbarment, notwithstanding the presence of dishonesty. The mitigating factors taken into account by the Hearing Committee included the following:

a) the Member in fifteen years of practice has no discipline record;

b) the Member has acknowledged her wrongdoings, although not as forthrightly as the Committee would have wished, and only at the eleventh hour during the Hearing;

c) the Member has left what was, for her apparently, an unhealthy practice environment;

d) the Member is now seeking help for the first time in her life with her medical condition;

e) there seems to be some stability in the Member's personal life;

f) no specific damage was caused to a client or a member of the public;

g) as the Member practices in a smaller urban community, her difficulties with the Law Society have become widely known;

h) the Member received no direct personal gain from her actions;

i) the Member was under considerable stress at the time; and

j) the Member's depressive illness as described by Dr. Boodhoo.[3]

[2] 2014 ABLS 54 (CanLII)
[3] at para. 43.

43. Additionally, LSA Counsel noted that a joint recommendation or submission by the parties must be given considerable deference by the Hearing Committee. That is outlined in the LSA Hearing Guide, and is supported by the authorities, including *R. v. Anthony-Cook*, 2016 SCC 43. LSA Counsel also provided us with an extract from Bryan Salte, *The Law of Professional Regulation*, at page 251:

> If there has been a joint recommendation on penalty the tribunal will be required to accord it significant weight. If a tribunal is considering departing from the recommended penalty it will need to advise the parties that it is considering doing so and allow both parties to address the penalty being considered.

Submissions of Counsel for Mr. Mawson

44. Counsel for Mr. Mawson, Mr. Sparks, supported the submissions made by LSA Counsel, as the joint submission of the parties. He went on to note that it is important to look at how a lawyer responds to a situation such as this one, when he or she is facing citations with the Law Society. Mr. Sparks suggested that Mr. Mawson has demonstrated that he is governable, that he has shown personal insight and progress in his life, and in his practice. Mr. Mawson has admitted his mistakes and his problems, and has taken active steps to improve his circumstances. Mr. Sparks said:

> He was a good lawyer [who] became a bad lawyer because of personal difficulties. And it has brought embarrassment upon himself, it's brought embarrassment upon his colleagues, it's brought embarrassment upon the Law Society, and none of those things are lost on Mr. Mawson. He is hopeful that this Hearing panel will give him that chance that Mr. Seidenz and I are recommending that you do.

45. Mr. Sparks also noted the significant progress made by Mr. Mawson in the practice management process, and that he has not been subject to further complaints since that began. Finally, Mr. Sparks noted the support that Mr. Mawson has from his firm, and suggested that reflects well for his future prospects.

Analysis and Decision on Sanction

46. The Hearing Committee agrees with LSA Counsel and Counsel for Mr. Mawson that a joint recommendation with respect to sanction, made by the parties, must be given considerable deference. As noted in the Hearing Guide at para 56:

> If a submission on sanction is made jointly by the member and Law Society counsel, the Hearing Committee should give serious consideration to the joint submission, and accept it unless they consider it unfit or unreasonable or contrary to the public interest. This Hearing Committee, however, is not bound by the submission, and may determine the more appropriate sanction, but only do so after the member and Law Society counsel are given an opportunity to speak to the matter.

R. v. Tkachuk, 2001 ABCA 243 and *Law Society of Alberta v. Pearson*, 2011 ABLS 17.

47. There is good reason for the Hearing Committee to defer to the joint submission on sanction made in this case, and the Hearing Committee had no reason to consider that the recommended sanction was unfit, unreasonable, or contrary to the public interest. Joint submissions on sanction are to be encouraged in appropriate cases. LSA Counsel, together with Counsel for the Member, would be expected to consider the strength of the case, the quality of the evidence, the issues in dispute, and the governability of the Member, together with other relevant factors, in coming to a joint submission where possible. In addition, in most cases the Hearing Committee can assume that LSA Counsel will have a firm focus on the public interest in the sanctioning process.

48. It is also noted that the LSA has developed considerable expertise in assessing the practice of a Member through the practice management and assessment process, and a positive Practice Assessment Report underlying a joint recommendation on sanction should be given considerable weight.

49. The Hearing Committee finds that the best interests of the public are served with a long suspension in this matter, and a long suspension will also protect the standing of the legal profession generally. Mr. Mawson has cooperated with the LSA, and he has a very positive Practice Assessment Report. Mr. Mawson has not attracted further complaints since his involvement with practice management, and the psychological evidence associated with his grief and alcohol addiction issues are mitigating factors. The Hearing Committee understands from the evidence that Mr. Mawson remains sober, and he is working hard on his mental and physical wellness. These are positive factors that weigh against disbarment.

50. In the circumstances of this case, disbarment might well have been an option as a result of the fabrication of letters placed on Mr. Mawson's correspondence files. It is a challenge to determine the correct sanction in cases where there has been overt dishonesty. The mitigating factors here include the cooperation of Mr. Mawson, our conclusion that Mr. Mawson is governable, and the psychological evidence regarding Mr. Mawson's mental state at the time the acts of dishonesty occurred. In this case, the letters were fabricated after the fact, and apparently as part of Mr. Mawson's overall personal distress. The letters did not result in personal gain to Mr. Mawson, and they were not part of an overall effort to deceive the Court or the LSA. Rather, the creation of the letters appears to have been a spontaneous act on the part of Mr. Mawson, connected with his personal distress, at a time of great difficulty for him.

51. Any kind of dishonesty by a lawyer is of course a very serious matter, and it would be appropriate for the LSA to have considered seeking disbarment in a case such as this one, and the Hearing Committee understands that the LSA did consider requesting disbarment here. The Hearing Committee is satisfied, on all the facts of this case, that a long suspension is warranted and appropriate. The Hearing Committee accordingly directed a 20-month suspension in accordance with the joint submission on sanction.

52. The Hearing Committee notes that Mr. Mawson's practice difficulties were concentrated in the litigation portion of his practice, which does not form the largest part of his work. The Hearing Committee is of the view that consideration should be given to whether Mr.

Mawson should practice in the area of litigation at all, on re-admission, and we leave that issue to be considered by the Membership Department of the LSA, and by Mr. Mawson himself.

Concluding Matters

53. Mr. Mawson's 20-month suspension will commence October 1, 2019.

54. Mr. Mawson is directed to pay the LSA's costs in the amount of $45,810.70, in accordance with the amounts agreed and outlined in Exhibit 7. The costs are payable on re-admission unless satisfactory alternative arrangements are made with the LSA in advance.

55. There will be no Notice to the Attorney General.

56. The Notice to Profession will be issued by the LSA on or around September 15, 2019.

57. The exhibits and other hearing materials, transcripts, and this report will be available for public inspection, including providing copies of exhibits for a reasonable copy fee, although redactions will be made to preserve personal information, client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated at Edmonton, Alberta, August 21, 2019.

_____
Carsten Jensen, QC

_____
Schuyler Wensel, QC

_____
Dr. Nick Tywoniuk

Appendix A

IN THE MATTER OF THE *LEGAL PROFESSION ACT*

AND

IN THE MATTER OF A HEARING REGARDING THE CONDUCT OF
PETER J. MAWSON
A MEMBER OF THE LAW SOCIETY OF ALBERTA

HEARING FILE HE20170109

STATEMENT OF ADMITTED FACTS AND ADMISSIONS OF GUILT

INTRODUCTION

1. This hearing arises out of four complaints comprising 27 citations.

BACKGROUND

2. I was admitted as a member of the Law Society of Alberta (the "**LSA**") on June 10, 2005. Since then, I have practiced in Edmonton primarily in the areas of real estate conveyancing, estate planning and administration, corporate/commercial law, and civil litigation.

STATEMENTS OF FACT

3. I admit as facts the statements contained in this Statement of Admitted Facts and acknowledge that they shall be used during these proceedings.

ADMISSIONS OF GUILT

4. When I give admissions of guilt to conduct described herein, I agree that the conduct is "conduct deserving of sanction" as defined under section 49 of the *Legal Profession Act* (the "***Act***").

INDEPENDENT LEGAL ADVICE

5. I agree that I have had the opportunity to consult with legal counsel and confirm that I have signed this Statement of Admitted Facts and Admissions of Guilt voluntarily and without any compulsion or duress.

THIS STATEMENT OF AGREED FACTS AND ADMISSIONS OF GUILT IS MADE THIS

___4__ DAY OF _____June___ 2019.

"Peter Mawson"
PETER J. MAWSON

COMPLAINT #1: [MA] (CO.2016.2840)

1. Procedural Background

6. On November 22, 2016, the LSA received an Information Concerning a Lawyer Form from [MA], a former client of mine, alleging poor client service.

Exhibit 1 – Information Concerning a Lawyer Form

7. The LSA conducted a review of the allegations, which resulted in a referral to the Conduct Committee.

8. On April 12, 2017, the Conduct Committee directed that the following two citations be dealt with by a Hearing Committee:

> 1. It is alleged that Peter Mawson failed to serve his client M.A., and that such conduct is deserving of sanction; and
>
> 2. It is alleged that Peter Mawson failed to respond promptly and completely to communications from the Law Society and that such conduct is deserving of sanction.

2. Facts

9. I was retained by Mr. [MA] in June 2014, in relation to the breakdown of a common law relationship. He gave me a $3,000.00 retainer and we met three times between June and September 2014.

Exhibit 2 – Transcript (Feb 2, 2017) at pp. 3-4

10. On August 18, 2014, a Statement of Claim was filed on behalf of Mr. [MA]'s common law spouse.

Exhibit 3 – Procedure Card
Exhibit 4 – Statement of Claim

11. On August 20, 2014, I accepted service of the Statement of Claim by email, stating the following:

> I acknowledge service of the Statement of Claim on behalf of my client as of yesterday's date. I am arranging to have my client in to receive instructions and, therefore, do not anticipate having to request the courtesy of time to respond. …

Exhibit 5 – Email (August 20, 2014)

12. On September 30, 2014, following a conversation that had occurred two weeks earlier, opposing counsel sent me an email stating setting a deadline for the filing of a Statement of Defence:

> You indicated in your email below that you did not require an extension of time to file a defence. The deadline for a response has long passed however in anticipation of your proposal, I have not noted you in default. To ensure matters keep moving, I require your defence by October 15.

Exhibit 6 – Email (August 30, 2014)

13. I did not take steps to file a Statement of Defence and Mr. [MA] was noted in default on October 21, 2014.

Exhibit 7 – Noting in Default

14. On November […], 2014, a Certificate of Lis Pendens was filed in the Land Titles against the title of Mr. [MA]'s residence.

Exhibit 8 – Historical Land Title Certificate

15. On December 29, 2014, I issued an account for services in the amount of $838.65.

Exhibit 9 – Account for Services

16. One year later, on December 31, 2015, I departed Rackel Belzil LLP and started working at McGlashan & Mackinnon. I had not contacted Mr. [MA] in the intervening year to obtain instructions about what, if anything, he wanted to do about the legal action.

17. On December 8, 2015, a few weeks before departing Rackel Belzil, I wrote to Mr. [MA], to inform him of my impending departure and to give him the choice of keeping me as his lawyer, remaining with Rackel Belzil, or transferring his file to another law firm. The letter, with an authorization, was sent to Mr. [MA] by email.

Exhibit 10 – Letter (December 8, 2015)

18. Mr. [MA] responded by email indicating that he wanted to stay with me but did not return the signed Authorization. Consequently, I brought the physical file with me to my new firm, but the trust monies remained with Rackel Belzil, pending receipt of the signed Authorization.

Exhibit 2 – Transcript (Feb 2, 2017) at pp. 9-10
Exhibit 11 – Email String (October 13-25, 2016)

19. On October 13, 2016, I was contacted by the Office Manager for Rackel Belzil, who informed me that Rackel Belzil was still holding $2,119.41 of Mr. [MA]'s funds in trust. She asked me to return a copy of the Authorization so they could finalize this matter. I had not yet contacted Mr. [MA] to obtain his instructions about how to proceed with the litigation.

Exhibit 11 – Email String (October 13-25, 2016)

20. I responded to the Office Manager later that day, as follows:

> This guy has yet to respond to any of my correspondence in any manner. I will

> reach out to again tomorrow but may have to send the file back and have RB return the funds to him directly and file a notice of ceasing to act. I will update you on my progress with him early next week.

Exhibit 11 – Email String (October 13-25, 2016)

21. I did not provide an update to the Office Manager and, on October 25, 2016, she asked me to return the contents of Mr. [MA]'s file given that I had not received an Authorization from him.

Exhibit 11 – Email String (October 13-25, 2016)

22. On October 31, 2016, before I had a chance to return the file to Rackel Belzil, opposing counsel filed an Application seeking an order for judgment and other relief on behalf of the Plaintiff.

Exhibit 12 – Application and Affidavit

23. The application materials were served on Mr. [MA] on November 2, 2016, and he contacted Rackel Belzil the next day.

24. Between November 3, 2016, and November 8, 2016, a lawyer with Rackel Belzil spoke with Mr. [MA], with opposing counsel, and with me to determine what had happened and to assist Mr. [MA] in responding to the Application. In the result, Mr. [MA] chose to retain a different law firm and the file materials and trust monies were sent to his new lawyer.

Exhibit 13 – Communications (Nov 3-8, 2016)

25. As noted, on November 22, 2016, Mr. [MA] complained to the LSA about my conduct.

Exhibit 1 – Information Concerning a Lawyer Form

26. Resolution counsel with the LSA attempted to discuss this matter with me in January 2017, but we were not able to connect.

27. On February 7, 2017, Conduct Counsel for the LSA wrote me a letter pursuant to section 53 of the *Act* asking for my response to Mr. [MA]'s complaint. This letter was delivered by registered mail for which I signed on February 9, 2017. The letter requested a response within 14 days:

> Pursuant to the Code of Conduct, your response must be complete, fair, accurate, courteous, and appropriate. (See generally, Chapter 7, Rule 7.1-1.) **Your written response is to be delivered to the Law Society of Alberta within fourteen (14) days of receipt of this letter.** This deadline for your response must be met, or an extension obtained. Failure to do this may result in a referral to the Conduct Committee unless consent has been obtained by you in advance to extend that time. [Emphasis in Original]

Exhibit 14 – Letter (February 7, 2017)

28. I did not respond to this letter.

29. On February 27, 2017, the LSA followed up and requested my response by March 6, 2017, noting the following:

> Please note that failure to respond may result in both a hearing for failing to

> respond, and an adverse inference being drawn against you on the original complaint itself.
>
> **Exhibit 15 – Letter (February 27, 2017)**

30. I did not respond to this letter.

3. Admissions of Guilt

Citation 1. Failure to Serve Client

31. I admit that I failed to provide competent, timely, conscientious, and diligent service to Mr. [MA] by,

    a. Failing to file a Statement of Defence on or before October 15, 2014, as I stated I would in my letter to opposing counsel on August 20, 2014; and

    b. Failing to contact Mr. [MA] for a period of more than two years, between September 2014 and November 2016, to seek his instructions about how to proceed with the claim against him.

    all of which is contrary to Rule 3.2-1 of the *Code of Conduct* (the "***Code***") in effect at the time.

Citation 2. Failure to Respond to LSA

32. I admit that I failed to reply to communications from the LSA when I failed to provide a response to the section 53 letter from Conduct Counsel, despite a reminder, which is contrary to Rule 7.7-1 of the *Code*.

COMPLAINT #2: [AS] (CO.2016.0829)
COMPLAINT #3: LSA (CO.2017.1481)

1. Procedural Background

33. On April 7, 2016, the LSA received a complaint from [AS], a former client of mine, alleging poor client service.

Exhibit 16 – Lawyer Complaint Form (April 7, 2016)

34. The LSA conducted a review of the allegations, which resulted in a referral to the Conduct Committee.

35. On April 12, 2017, the Conduct Committee directed that the following six citations be dealt with by a Hearing Committee:

> 3. It is alleged that Peter Mawson failed to inform his client of the Plaintiff's offer to settle and that such conduct is deserving of sanction;

4. It is alleged that Peter Mawson failed to provide his client the application materials for the Summary Judgment Application set for December […], 2015 and that such conduct is deserving of sanction;

5. It is alleged that Peter Mawson failed to file his client's affidavit in a timely manner resulting in his client's evidence not being considered during the December […], 2015 court application and that such conduct is deserving of sanction;

6. It is alleged that Peter Mawson failed to follow his client's instructions to send him a copy of the Summary Judgment and that such conduct is deserving of sanction;

7. It is alleged that Peter Mawson failed to inform his client of the scheduled Examination of Assets and that such conduct is deserving of sanction; and

8. It is alleged that Peter Mawson failed to follow his client's instructions to consent to a Bill of Costs and that such conduct is deserving of sanction.

36. As part of the LSA's obligations to produce records, counsel for the LSA inspected all file materials collected during the review of Mr. Mawson's conduct. During this inspection, counsel came across additional instances of potential misconduct and the matter was returned to the conduct department for a formal investigation. Both matters were then placed in abeyance until the conclusion of the investigation.

Exhibit 17 – Email (June 15, 2017)

37. The LSA investigated these additional allegations, which resulted in an Investigation Report, a Supplemental Investigation Report, and a referral to the Conduct Committee.

Exhibit 18 – Investigation Report (September 12, 2017)
(Digital copy includes attachments; Paper Copy does not)
Exhibit 19 – Supplemental Investigation Report (September 26, 2017)
(Digital copy includes attachments; Paper Copy does not)

38. On November 14, 2017, the Conduct Committee directed that the following additional twelve citations be dealt with by a Hearing Committee:

9. It is alleged that Peter J. Mawson failed to provide competent, timely, conscientious, and diligent service when he failed to advise his clients, A.S. and W.R., of the court application to schedule questioning heard on July […], 2014 and that such conduct is deserving of sanction;

10. It is alleged that Peter J. Mawson failed to provide competent, timely, conscientious, and diligent service when he failed to advise his clients, A.S. and W. R., of the Order granted on July […], 2014 directing them to attend questioning and pay costs and that such conduct is deserving of sanction;

11. It is alleged that Peter J. Mawson failed to provide competent, timely, conscientious, and diligent service when he failed to attend Court on July […], 2014 on behalf of his clients, A.S. and W.R., and that such conduct is deserving of sanction;

12. It is alleged that Peter J. Mawson failed to provide competent, timely, conscientious, and diligent service when he failed to advise his clients, A.S. and W.R., of the court application filed by opposing counsel on August 27, 2014 to find them in Civil Contempt of Court and that such conduct is deserving of sanction;

13. It is alleged that Peter J. Mawson failed to provide competent, timely, conscientious, and diligent service when he failed to attend Court on October […],

2014 on behalf of his clients, A.S. and W.R., and that such conduct is deserving of sanction;

14. It is alleged that Peter J. Mawson failed to provide competent, timely, conscientious, and diligent service when he failed to obtain consent from his clients, A.S. and W.R., to consent to the Order granted on October […], 2014 and that such conduct is deserving of sanction;

15. It is alleged that Peter J. Mawson failed to provide competent, timely, conscientious, and diligent service when he failed to advise his clients, A.S. and W. R., of the Order granted on October […], 2014 awarding costs against them and directing them to attend questioning, failing which their Statement of Defense would be struck with judgment being entered in accordance with the Plaintiff's Statement of Claim, and that such conduct is deserving of sanction;

16. It is alleged that Peter J. Mawson failed to provide competent, timely, conscientious, and diligent service when he failed to advise his clients, A.S. and W. R., of the Writ of Enforcement filed on December 19, 2014 for non-payment of court ordered costs and that such conduct is deserving of sanction;

17. It is alleged that Peter J. Mawson breached Rule 119.21(4) of the Rules of the Law Society of Alberta when he paid an invoice for legal fees from the trust account without providing an invoice to his clients and that such conduct is deserving of sanction;

18. It is alleged that Peter J. Mawson breached Rule 119.21(3) of the Rules of the Law Society of Alberta when he paid his clients' costs penalty from funds held in trust without his clients' consent and knowledge and that such conduct is deserving of sanction;

19. It is alleged that Peter J. Mawson created correspondence that purported to be sent to his clients, A.S. and W.R., after the fact and that such conduct is deserving of sanction;

20. It is alleged that Peter J. Mawson failed to respond to enquiries from another lawyer and that such conduct is deserving of sanction.

2. Facts

a. Retainer and Pleadings

39. In August 2013, while an associate at Rackel Belzil LLP, I was retained by Mr. [AS] and his partner, [WR], to defend them in an lawsuit arising out of the sale of a residential property. The Plaintiffs were seeking $37,225.00 to repair the roof which they said was faulty.

Exhibit 20 – Procedure Card ([…])

40. On August 20, 2013, a New Client/File Opening Sheet was completed with the following contact information for both clients:

Billing Address: [AS], […] Avenue, Edmonton, AB […] (the "**Edmonton Address**")
…
Home Phone: […]

…
Cell Phone: [blank]
Email: AS – […] (the "**Personal Email Address**")
WR – […]
…

Exhibit 21 – New Client/File Opening Sheet

41. That day, I wrote to opposing counsel to let him know that I had been retained, that I was in the process of preparing a Statement of Defence, and to request for an undertaking that no further steps be taken in the proceedings without reasonable notice to me. He acknowledged my request on August 23, 2013, and provided me with copies of certain documents relating to the lawsuit

Exhibit 22 – Letter (August 20, 2013) and Response (August 23, 2013)

42. On August 21, 2013, I emailed my retainer letter to each client, which they executed and returned to me. My email was sent to Mr. [AS] at his work email address, which was […] (the "**Work Email Address**"). In my email, I stated the following:

> As was discussed with [AS], my intention is to file a Statement of Defense on your behalf with a Notice to the Realtor and the Brokerage as Third Parties that they are being sued for any of the potential misrepresentations made during this transaction.

Exhibit 23 – Email with Retainer Letter (August 21, 2013)

43. The next day, on August 22, 2013, Mr. [AS] emailed me to let me know that he was to be my point of contact and asked me to use his Personal Email Address for communications. Mr. [WR] confirmed by email that Mr. [AS] would take the lead in this matter.

Exhibit 24 – Email String (August 22, 2013)

44. On August 26, 2013, I received a retainer of $3,000.00 from Mr. [AS], which was deposited into my firm's trust account.

Exhibit 25 – Client Accounting Ledger

45. That day, I confirmed with both clients that I had received the retainer cheque. I also provided them with my comments about certain records that I had received from counsel for the Plaintiffs, which included potentially damaging representations that had been made by Mr. [AS]. Mr. [AS] had, up that that point and thereafter, provided me with emails to provide me with the context in which those comments were made. Mr. [WR] responded that he thought that they might have some liability but that they were trying to mitigate any losses.

Exhibit 26 – Email String (August 26, 2013)

46. On September 10, 2013, Mr. [AS] emailed me to ask if I had filed a Statement of Defence. The next day, counsel for the Plaintiffs emailed me asking the same question. I did not respond to either of them.

Exhibit 27 – Email (September 10, 2013)
Exhibit 28 – Email (September 11, 2013)

47. On September 18, 2013, counsel for the Plaintiffs gave me a deadline of September 30, 2013, to file a Statement of Defence, failing which he would take steps to note my clients in default.

Exhibit 29 – Letter (September 18, 2013)

48. On September 29, 2013, the day before the deadline, I emailed a draft Statement of Defence to my clients and asked them for their comments. Without stating that I had received an email on September 11, 2013, and a follow up letter one week later, I wrote the following in my email:

> ... I have now been given notice that these must be filed by tomorrow and so if I do not hear from either of you by noon tomorrow I will be filing the same as is but I am comfortable with them as they are.

Exhibit 30 – Email (September 29, 2013)

49. On September 30, 2013, I filed and served the Statement of Defence on counsel for the Plaintiffs. I advised him that I would be filing the Third-Party Claim in the immediate future.

Exhibit 20 – Procedure Card ([…])
Exhibit 31 – Email (September 30, 2013)

50. Two weeks later, on October 16, 2013, I filed the Third-Party Claim.

Exhibit 20 – Procedure Card ([…])

51. On October 28, 2013, I took steps to serve the Third-Party Claim on the Third-Party Defendants. I also served the Third-Party Claim on counsel for the Plaintiffs by email and advised him that I looked forward to receiving his clients' Affidavit of Records.

Exhibit 32 – Email (October 28, 2013)

52. On November 1, 2013, I emailed an Account for Services for $1,766.75 to my clients and stated the following:

> Please find attached correspondence enclosing our Interim Statement of Account for services rendered to date. I try to Interim bill every few months to keep my clients aware of the cost of their litigation. I do not require a further retainer at this time.

Exhibit 33 – Letter with Account (October 28, 2013)

53. The account was satisfied from the monies held in trust, which were transferred four months later from the firm's trust account to the firm's general account, leaving a balance of $1,233.25 in trust to the credit of my clients.

Exhibit 25 - Client Accounting Ledger

54. On November 5, 2013, I received a letter from counsel for the Third-Party Defendants advising me that he had been retained and requesting that I take no steps without reasonable notice to him.

Exhibit 34 – Letter (November 5, 2013)

b. Disclosure, Missed Questioning, Plaintiffs' Formal Offer, and Contempt Proceedings

55. On November 15, 2013, I was served with the Plaintiffs' Affidavit of Records along with copies of the producible records. Pursuant to Rule 5.5(3) of the *Alberta Rules of Court*, I had two months from that date, namely until January 15, 2014, to serve my clients' Affidavit of Records on each of the other parties. I did not forward the received materials to my clients, nor did I take any steps to prepare an Affidavit of Records.

Exhibit 35 – Letter (November 14, 2013)

56. On November 18, 2013, counsel for the Third-Party Defendants provided me with documents and suggested that his clients should be released from the proceedings. I did not reply to him, nor did I inform my clients about his retainer, or about the documents that he had sent me. He followed up with a letter on December 3, 2013, to which I did not reply.

Exhibit 36 – Letter (December 3, 2013)

57. On January 15, 2014, the deadline to serve my clients' Affidavit of Records expired.

58. The next day, on January 16, 2014, counsel for the Plaintiffs wrote to me, pointing out that my clients' Affidavit of Records was late and asked me to serve it by February 15, 2014. I did not discuss this letter with my clients, nor did I take any immediate steps to prepare an Affidavit of Records, nor did I respond to his letter.

Exhibit 37 – Letter (November 14, 2013)

59. On January 30, 2014, I wrote the following email to counsel for the Third-Party Defendants:

> Further to your voicemail today, **please be advised that I have not been able to get the necessary instructions from my client to respond to your previous request at this time**. Unfortunately, I am currently involved in a matter that had very difficult deadlines ordered by the Court in the last two weeks and have not had the opportunity to follow up. I will be completed the trial on February […] and will give this matter my immediate attention thereafter. **I thank you for your considered patience in this regard and confirm that my clients are not requiring any action by you on behalf of your client at this time.** You will hear from me further next week. [Emphasis added]

Exhibit 38 – Email (January 30, 2014)

60. In fact, I had not discussed his previous communications with my clients before sending this email. Nor did I get back to him the following week.

61. On February 7, 2014, counsel for the Plaintiffs wrote to let me know that he would be filing an application to compel production of my clients' Affidavit of Records should I fail to serve it by February 15, 2014. I did not inform my clients about this new deadline.

Exhibit 39 – Letter (February 7, 2014)

62. On February 14, 2014, the day before the deadline, I emailed counsel for the Plaintiffs, as follows:

> My client was unable to attend his appointment today but will attend over the weekend and I will provide you with my records on Tuesday morning. There is no need to prepare an application to produce over the weekend. I thank you for your consideration herein.

Exhibit 40 – Email (February 14, 2014)

63. In fact, I had not made an appointment with Mr. [AS] to attend at my office to review records, nor had I discussed the topic with him before sending this email.

64. A few minutes later, I emailed a draft Affidavit of Records to my clients and asked Mr. [AS] to meet with me over the weekend to discuss it. However, because of the Family Day holiday and his business conflicts, he was unable to meet with me on short notice.

Exhibit 41 – Email to Clients (February 14, 2014)

65. On February 19, 2014, opposing counsel followed up by email.

Exhibit 42 – Email (February 19, 2014)

66. On February 23, 2014, I emailed Mr. [AS] to advise him that it was very important that we meet in the immediate future. I did not tell him why there was such urgency to our meeting.

Exhibit 43 – Email (February 23, 2014)

67. A few minutes later, I emailed opposing counsel to provide an explanation about the delay.

Exhibit 44 – Email (February 23, 2014)

68. On February 24, 2014, Mr. [AS] emailed me asking for an update and whether the Plaintiffs had produced an Affidavit of Records. Two days later, I emailed him as follows:

> By way of update, the Plaintiffs have provided us with their Affidavit of Records as required. The Third Parties had requested time to prepare their Statements of Defense and the courtesy was extended. It made sense to allow the third party time to file to avoid potential cost issues (against us} if documents arose that we were unaware of in the Plaintiffs' Affidavit of Records. From my cursory review, there is nothing surprising. **The time for us to provide our Affidavit of Records to the Defendants has expired but the courtesy to extend the deadline as you were unable to attend my office was granted. However, today I was advised that they would be filing an application to compel production should we not produce our records immediately.** This has cost implications and, therefore, I urge you to make yourself available to sign the affidavit at our office. If you are able to confirm that there is no other records at this time, I will forward an unsworn copy to attempt to appease the Plaintiffs' solicitor for the time being.
>
> **I will now be requiring a statement of defense to be filed by the third parties within a reasonable period of time.** I look forward to hearing from you.

Exhibit 45 – Email String (February 26, 2014)

69. In fact, I had known since January 16, 2014, that the Plaintiffs were expecting my clients' Affidavit of Records to be served by February 15, 2014, and since February 7, 2014, that the Plaintiffs were threatening to bring an application to compel my clients' Affidavit of Records.

70. Shortly thereafter, Mr. [AS] replied as follows:

> I obviously was not aware they have filed an affidavit of records. I called you a week or so ago asking for an update.
> I will contact your office tomorrow to establish a time to meet to complete the document.
> I will review my files for any additional documents prior to our meeting

Exhibit 45 – Email String (February 26, 2014)

71. On March 3, 2014, I met with Mr. [AS], who executed the Affidavits of Records, a copy of which I emailed to the Plaintiffs on March 4, 2014 and served on March 6, 2014. I did not serve a copy of the Affidavit of Records on counsel for the Third-Party Defendants.

Exhibit 46 – Email (March 3, 2014)
Exhibit 47 – Email (March 4, 2014) and Letter (March 6, 2014)

72. On March 2, 2014, I received an email from counsel for the Third-Party Defendants seeking an update. I did not respond to this email and he followed up again one week later. I then responded on March 13, 2014 and requested that he take steps to file a Statement of Defence to the Third-Party Claim by March 31, 2014.

Exhibit 48 – Email (March 2, 2014)
Exhibit 49 – Email (March 9, 2014)
Exhibit 50 – Email (March 13, 2014)

73. On March 17, 2014, counsel for the Third-Party Defendants confirmed that he would serve an Affidavit of Records by April 21, 2014 and suggested that counsel for the Plaintiffs or I start canvassing dates for the Questioning of all parties. However, I did not follow up with him, despite repeated requests from Mr. [AS] to review the third-party records, and only received his clients' Affidavit of Records on December 29, 2014, ten months later.

Exhibit 51 – Letter (March 17, 2014)
Exhibit 96 – Email (December 29, 2014)

74. I did not contact my clients to obtain their available dates for Questioning.

75. On March 20, 2014, counsel for the Plaintiffs served me with a Formal Offer to Settle. The deadline to respond was two months later, namely, May 20, 2014.

Exhibit 52 – Letter with Formal Offer to Settle (March 20, 2014)

76. My file contains an unsigned letter dated March 25, 2014, which purported to mail the Plaintiffs' Offer to Settle to my clients. However, there was no electronic copy of this letter on my firm's computer system and my clients deny ever having received it or ever having discussed it with me.

Exhibit 53 – Letter (March 25, 2014)

77. I did not follow up with my clients to seek their instructions about how to respond to the Formal Offer to settle, which was automatically withdrawn on May 21, 2014.

78. On May 16, 2014, the Statement of Defence of the Third-Party Defendants was filed, seven months after the Third-Party Claim had been filed. I did not send a copy of this document to my clients for their review.

Exhibit 54 – Letter (March 25, 2014)

79. On June 4, 2014, counsel for the Plaintiffs wrote to me to suggest dates for Questioning of my clients. I did not respond to this letter, nor did I contact my clients to obtain their available dates.

Exhibit 55 – Letter (June 4, 2014)

80. On June 20, 2014, counsel for the Plaintiffs left me a voicemail requesting dates for Questioning. I did not respond to his voicemail.

Exhibit 57 – Affidavit at para. 2(a) (July 7, 2014)

81. On June 24, 2014, counsel for the Plaintiffs followed up by email and gave me a deadline of June 30, 2014, to provide dates for Questioning, failing which he would bring an application to schedule Questioning dates at his clients' convenience. I did not respond to his email.

Exhibit 56 – Email (June 24, 2014)

82. On July 7, 2014, counsel for the Plaintiffs filed and served an Application, returnable on July 14, 2014, to compel my clients to attend Questioning on July […], 2014. I did not respond to any of these communications, nor did I contact my clients to advise them about the Application.

Exhibit 57 – Letter, Application, and Affidavit (July 7, 2014)

83. On July 11, 2014, counsel for the Third-Party Defendants requested that I provide him with my clients' Affidavit of Records and producible documents.

Exhibit 58 – Email (July 11, 2014)

84. On July […], 2014, counsel for the Plaintiffs attended Court, which resulted in an Order by Master [S] compelling my clients to attend Questioning on July […], 2014, and to pay the costs of the Application forthwith and in any event of the cause. I did not attend Court that day. The filed Order was served on me the next day.

Exhibit 59 – Order (July […], 2014)

85. I did not contact my clients to advise them about the Order or the costs arising therefrom.

86. On July 22, 2014, counsel for the Plaintiffs wrote to confirm the details of the Questioning of my clients the following week. He also asked me if I intended to question his client. Finally, he requested that I provide him with the payment of the costs that had been ordered by Master [S], which were $300.00. When I did not reply, he followed up with a second letter on July 25, 2014.

Exhibit 60 – Letter (July 22, 2014)
Exhibit 61 – Letter (July 25, 2014)

87. On July […], 2014, the day before the Questioning, I called counsel for the Plaintiffs to advise that I had been unable to contact my clients and that I did not expect them to attend the Questioning. I then emailed Mr. [WR] as follows:

> I have been trying to contact [AS] as the [U]s have set up questioning but have been unsuccessful as all the contact information that he has provided to me is for [L] and I am advised that he has retired. Could you please contact me immediately in this matter so that we may move forward in the litigation.

Exhibit 62 – Email (July 29, 2014)

88. In fact, I did have Mr. [AS]'s contact information on file, and he had previously asked me to use his Personal Email Address. Additionally, I did not mention that the Questioning was to occur the next day, nor did I mention the Order by Master [S] or the outstanding costs.

89. That same day, I fabricated two letters, dated them July 8, 2014, and July 23, 2014, and placed them in the correspondence file to make it look like I had been trying to contact my clients about the upcoming Questioning. This deception was uncovered by the LSA during the investigation into my conduct and confirmed by an expert retained by the LSA.

Exhibit 63 – Expert Report with Fake Letters (January 15, 2018)

90. I stated the following in my response to the LSA about this issue:

> I did not create any correspondence, specifically the July 8th, 2014 letter to Mr. [AS] or the July 23rd, 2014 letter to Mr. [AS] after the fact. I cannot comment on the meta-data that purports to show that these documents were created on July 29th. I concede that these letters may not have been sent and I did not follow up at any point to confirm whether they were sent or received by Mr. [AS].

Exhibit 179 – Email Response (October 26, 2017)

91. Neither my clients nor I attended the Questioning on July […], 2014, and the Court Reporter issued a Certificate of Non-Attendance.

Exhibit 64 – Certificate of Non-Attendance (July […], 2014)

92. On July […], 2014, after the issuance of the Certificate of Non-Attendance, Mr. [AS] emailed me as follows:

> I have the same email contacts - no change
> […]
> Please provide an update as to:
> 1. Document production: [U] and separately [H]
> 2. [H] statement of defense.
> I have not seen these documents.
> I can be available for questioning after we complete this phase

Exhibit 65 – Email (July […], 2014)

93. On July 31, 2014, I emailed counsel for the Plaintiffs and advise him that I had been in contact with Mr. [AS] and that I was waiting for him to provide me with available dates. I did not follow up with Mr. [AS] or with opposing counsel.

Exhibit 66 – Email (July 31, 2014)

94. On August 18, 2014, Mr. [AS] emailed me as follows:

> I am returning to Alberta on Aug 29th.
> I can be reached at this address or […].

Exhibit 67 – Email (August 18, 2014)

95. I did not respond to this email nor did I follow up with counsel for the Plaintiffs.

96. On August 27, 2014, counsel for the Plaintiffs filed and served an Application, returnable on September 19, 2014, to hold my clients in civil contempt, to strike their Statement of Defence, to pay a costs penalty of $2,000.00, and other remedies (the "**Contempt Application**"). The cover letter indicated that if, before September 19, 2014, I could provide dates on which my clients could be questioned, the Contempt Application would be withdrawn, although costs would be sought. I did not contact my clients about this Contempt Application.

Exhibit 68 – Email, Letter, Application, and Affidavit (August 27, 2014)

97. On September 3, 2014, the Contempt Application materials were delivered to me by registered mail. I still did not contact my clients to discuss the Contempt Application.

Exhibit 69 – Letter (September 3, 2014)

98. On September […], 2014, the day before the Contempt Application, I emailed my clients to ask about their availability for Questioning. I did not mention the Contempt Application or the Order by Master [S].

Exhibit 70 – Emails (September 18, 2018)

99. Mr. [AS] replied with three emails in short order advising me that he was in France until October 20, 2014. He also repeated his request that I provide him with the Statement of Defence of the Third-Party Defendants, as well as their producible records, which I had yet to obtain. He also offered to call me that day. I did not follow up with him.

Exhibit 71 – Emails (September 18, 2018)

100. Later that day, I called counsel for the Plaintiffs and we discussed resolving the Contempt Application by using a Consent Order. Pending my review and approval of a draft Consent Order, the Contempt Application was adjourned to October […], 2014.

Exhibit 72 - Email with Draft Consent Order (September 23, 2018)

101. On September 23, 2014, counsel for the Plaintiffs sent me a draft of the proposed Consent Order that would dispose of the Contempt Application. I did not respond to his proposal despite two additional voice messages from him.

Exhibit 72 - Email with Draft Consent Order (September 23, 2018)
Exhibit 73 - Email (September 26, 2018)

102. On September 26, 2014, counsel for the Plaintiffs sent me an email reminding me to return the draft Consent Order and setting a deadline of September 29, 2014, for me to do so, failing which he would return the Contempt Application to the hearing list. I did not respond to his email, despite a follow up letter on September 30, 2014.

Exhibit 73 - Email (September 26, 2018)
Exhibit 74 - Letter (September 30, 2018)

103. On October 2, 2014, Mr. [AS] sent me the following email, to which I did not reply:

> You sent an email to [WR] on July 29th, 2014.
> I replied directly to you via email, twice. I have also left several phone messages and voicemails with you.
> Can I conclude there is not urgency to this matter?

Exhibit 75 - Email (October 2, 2014)

104. On October 6, 2014, counsel for the Plaintiffs served an additional Affidavit on me.

Exhibit 76 - Letter with Affidavit (October 6, 2014)

105. I did not attend the Contempt Application on October […], 2014, which was adjourned to October […], 2014, by Madam Justice [Z], who specifically directed that I be present.

Exhibit 77 - Email (October 6, 2014)

106. I emailed counsel for the Plaintiffs on October 9, 2014 and explained my lack of responsiveness. He responded that the Contempt Application would have to proceed the next day given Justice [Z]'s directions that we both be present.

Exhibit 78 - Email String (October 9, 2014)

107. On October […], 2014, the Contempt Application proceeded before Justice [Z], who issued the following procedural directions (the "**[Z] Order**") and directions about costs (the "**Costs Penalty**"):

> 1. The following litigation plan shall apply with respect to the conduct of this action, subject to amendment by agreement of the parties or by court order:
>
> a. The Defendant [AS] shall attend questioning for discovery at the offices of the Plaintiffs' solicitors on October 23, 2014;
>
> b. The Defendants shall have until November 14, 2014 to provide responses to undertakings;
>
> c. The Defendants shall have until December 1, 2014 to conduct questioning of the Plaintiffs and the Third Party Defendant;
>
> d. Provided the Defendants conduct questioning of the Plaintiffs and the Third Party Defendant on or before December 1, 2014, the Plaintiffs and the Third Party Defendant shall have until December 15, 2014 lo deliver responses to undertakings;
>
> 2. Before October 23, 2014, the Defendants shall pay to the Plaintiffs forthwith and in any event of the cause:
>
> a. The Plaintiffs' out of pocket costs for the missed questioning on July […], 2014 in the amount of $335.66;
> b. $2,000 as a costs penalty for the missed questioning on July […], 2014;
> c. The outstanding costs award of $300 pursuant to the order of Master [S] filed in this action on July […], 2014; and,
> d. Costs of this application in the amount of $600.
>
> 3. Should the Defendants fail to comply with paragraph 1.a, of this Order as set out above, and upon the filing of an affidavit evidencing the Defendants' failure to comply with this Order, their Statement of Defence

> shall be struck and judgment shall be entered in accordance with Paragraphs 15 to 18 of the Statement of Claim.

Exhibit 79 - [Z] (October 10, 2014)

108. Later that day, I was served with a copy of the [Z] Order, about which I did not inform my clients.

109. On October […], 2014, nine days after the hearing and four days before the deadline for Questioning, I sent my clients an email, which stated the following in part:

> …
> Last week I was able to move your questioning to October 23rd, 2014 as you had indicated that you were not in Edmonton until October 20th. This is to be held at 9:30 a.m. at the offices of [O] ([…] Avenue). Further, I was able to get [WR] out of questioning altogether provided that nothing arises from your questioning that requires an answer from him.

Exhibit 80 - Email (October 19, 2014)

110. In fact, I was not the one to have rescheduled the Questioning: that was done by Justice [Z]. Nor did I inform my clients about the Costs Penalty that had been formalized in the [Z] Order.

c. Questioning of Clients and Other Parties

111. On October 20, 2014, Mr. [AS] again requested a copy of the Statement of Defence of the Third-Party Defendants as well as other documents relating to the proceedings, which I had yet to provide him.

Exhibit 81 - Email (October 19, 2014)

112. Later that day, he emailed me as follows:

> Please reschedule the questions meeting with the plaintiff and 3rd party to 4-5 business days after I have received the pleadings and documents as referenced in my three previous emails.
>
> As previously stated, I will not participate in the meeting this week because of a failure to have been provided with the necessary documents in advance.

Exhibit 82 - Email (October 20, 2014)

113. I responded as follows:

> Further to your emails and voicemall today, please find attached the following, namely:
>
> 1. The Affidavit of Records of [AU] (In two attachments); and
> 2. Statement of Defense of [LH] and [R] Real Estate.
>
> I confirm that the Questioning scheduled will not be adjourned as the date was confirmed by Court Order. The Plaintiffs have been attempting to move this matter forward. Failure to attend Questioning will likely result in your Statement of Defense being struck and Judgment being granted. This is obviously not desirable.

> [H] has not produced any documents nor are they required to produce anything further than has been produced by the [U]s. Affidavits of Records can also been amended should anything further be discovered. Based on your representations to me that no documents were given to [H] respecting the roof, I would not anticipate them producing anything other than the listing agreement.
>
> Kindly confirm receipt of this email and that you will make arrangements to be at questioning on the 23rd as previously advised.

Exhibit 83 - Email (October 20, 2014)

114. Although I had mentioned that the Questioning date was confirmed by Court Order, I did not provide any details how the [Z] Order came to pass, nor did I tell him about the other directions in the [Z] Order. Additionally, I was incorrect in advising him that the Third Party Defendants did not have to produce anything further that has been produced by the Plaintiffs. In fact, pursuant to Rule 5.5(4) of the *Alberta Rules of Court*, the Third-Party Defendants were required to produce all records that were material are relevant to the proceedings.

115. On October 23, 2014,

    a. Counsel for the Plaintiffs questioned Mr. [AS], resulting in four undertakings, which I forwarded to my clients that day without advising them of the deadline of November 14, 2014, set out at paragraph 1(b) of the [Z] Order;

    Exhibit 84 - Email (October 23, 2014)

    b. I served my client's Affidavit of Record and producible records on counsel for the Third-Party Defendants; and

    Exhibit 85 - Email (October 23, 2014)

    c. Mr. [AS] instructed me to draft a settlement offer for the Plaintiffs (for costs to date) and proposed additional Questioning dates of October 30, 2014, or November 4, 2014, which would have complied with the Order of Justice [Z]. I did not follow his instructions, nor did I get back to him.

    Exhibit 86 - Email (October 23, 2014)

116. Pursuant to paragraph 2 of the [Z] Order, the deadline to pay the Costs Penalty was October 23, 2014, about which I did nothing.

Exhibit 79 - [Z] (October 10, 2014)

117. Pursuant to paragraph 1(c) of the [Z] Order, the deadline for completing the Questioning of the Plaintiffs and of the Third-Party Defendants was December 1, 2014. I made no efforts to comply with this deadline.

Exhibit 79 - [Z] (October 10, 2014)

118. On October 27, 2014, I received an email from counsel for the Plaintiffs advising me that his clients would be available for Questioning on November 18, 2014. I did not respond to him, nor did I respond to a follow up fax on November 4, 2014, and email on November 19, 2014.

Exhibit 88 - Letter (December 1, 2014)

119. On November 14, 2014, which was the deadline pursuant to paragraph 1(b) of the [Z] Order, I provided my clients' responses to undertakings to counsel for the Plaintiffs.

Exhibit 79 - [Z] (October 10, 2014)
Exhibit 87 - Letter (November 14, 2014)

120. On December 1, 2014, which was the deadline by which Questioning was to be completed, I wrote to counsel for the Plaintiffs to request an extension because Mr. [AS] had been out of the country when we had originally discussed arranging the Questioning.

Exhibit 88 - Letter (December 1, 2014)

121. On December 4, 2014, counsel for the Plaintiffs replied, noting that he had sent several communications to me that had not been answered, but agreed to the extension and provided a Consent Order making the new questioning date of January 7, 2015, peremptory on my clients. He also demanded payment of the Costs Penalty by December 19, 2014, failing which he would start enforcement proceedings.

Exhibit 89 - Letter (December 4, 2014)

122. On December 9, 2014, I wrote the following email to my clients:

> The other side came back and proposed a questioning date of November 18th after I advised (with you present) that it had to be completed by November 15th as you were leaving the jurisdiction again. It now appears that the next available date for all is January 7th and I would ask that you advise if the same is acceptable to you. Again, you do not have to be present during my questioning but had indicated in the past that you wish to be there.

Exhibit 90 - Email String (December 9, 2014)

123. I said nothing to my clients about having missed the Court-imposed deadline of December 1, 2014. Nor did I mention to them that counsel for the Plaintiffs was threatening to bring enforcement proceedings relating to the unpaid Costs Penalty.

124. Mr. [AS] responded as follows later that day:

> I will attend, 11 am or later on the 7th January but with [H]'s questioning as discussed.
> You have not responded to my request for settlement made to you in October. Please respond.

Exhibit 90 - Email String (December 9, 2014)

125. On December 10, 2014, I emailed Mr. [AS] with advice about the Formal Offer to Settle.

Exhibit 91 - Email (December 10, 2014)

126. On December 11, 2014, Mr. [WR] emailed me as follows, in part:

> Why is it that they can continue to request different dates when we had court ordered deadlines.
> …
> In addition, you mentioned the settlement for $1 being viewed poorly by the courts. My understanding is that [AS] suggested that we would settle for our costs. …

Exhibit 92 - Email (December 10, 2014)

127. I did not advise Mr. [WR] that it was I who had requested the change in Questioning dates.

128. On December 16, 2014, after I failed to respond to his emails, counsel for the Plaintiffs threatened to bring an application to set down the Questioning without further input from me.

Exhibit 93 - Email (December 16, 2014)

129. On December 19, 2014, a Consent Order was filed that set down January 8, 2015, as the date for Questioning, and made that date peremptory on my clients. I did not forward this Consent Order to my clients.

Exhibit 94 - Consent Order (December 19, 2014)

130. On December 23, 2014, counsel for the Plaintiffs filed a Writ of Execution for $3,242.78, with which I was served on January 5, 2015. He also enclosed a Financial Statement of Debtor, which was to be completed by my clients. I did not send these documents to my clients.

Exhibit 95 - Letter and Writ of Enforcement (January 5, 2015)

131. On December 29, 2014, counsel for the Third-Party Defendants provided me with his clients' unsworn Affidavit of Records and producible records. I forwarded these documents to my clients on January 5, 2015, three days before the Questioning.

Exhibit 96 - Email (December 29, 2014)
Exhibit 97 - Email (January 5, 2015)

132. On January 8, 2015, the Questioning of the Plaintiffs and Third-Party Defendants occurred.

d. Payment of the Costs Penalty

133. That day, I provided a cheque for $3,325.66 to counsel for the Plaintiffs drawn on the Rackel Belzil general account in payment of the outstanding Costs Penalty.

Exhibit 98 - Letter (January 8, 2015)

134. On January 28, 2015, I had an Account for Services generated for $3,813.44. The amounts billed did not include any fees incurred and only included the following disbursements:

Disbursement	Date	Reason	Amount
Courier	Mar 6, 2014	Delivery of Records	$7.00
Postage	Dec 23, 2014	Mailing Conduct Money	$1.50
Postage (Registered Mail)	Oct 29, 2013	Unknown	$9.84
Transcripts	Jan 24, 2015	Questioning	$424.50
GST			$22.14
Conduct Money	Dec 23, 2014	Questioning of Plaintiffs	$56.40
Conduct Money	Dec 23, 2014	Questioning of Third Parties	$56.40

Sub-Total		**Lawsuit Disbursements**	**$577.78**
Costs Penalty	Jan 8, 2015	Payment of Costs Penalty	$3,235.66
Total		**Total**	**$3,813.44**

Exhibit 99 - Account for Services (January 28, 2015)
Exhibit 25 – Client Accounting Ledger

135. Of note,

a. $3,235.66 of the amounts billed related to the Costs Penalty;

b. $577.78 of the amounts billed related to disbursements other than the Costs Penalty; and

c. The remainder of my clients' retainer, namely $1,233.25, was applied to pay part of the bill (leaving $2,580.19 owing).

136. In other words, my clients contributed $655.47 toward the payment of the Costs Penalty, namely $1,233.25 (balance in trust) minus $577.78 (lawsuit disbursements) = $655.61, about which they knew nothing and for which they bore no responsibility.

137. There was an unsigned letter dated January 29, 2015, on my file which purported to email the Account for Services to Mr. [AS] at his Work Email Address, which he no longer used and which he had specifically asked me not to use. The LSA was unable to find a copy of an email or a bounce-back message (which occurred later when this email address was used). The amount owing of $2,580.19 was never paid and was eventually written off by my firm in late 2016.

Exhibit 100 - Letter (January 98, 2015)
Exhibit 25 – Client Accounting Ledger

138. It was not my firm's practice to pay for costs from its general account, as noted by the firm's principal:

> Quite frankly I can't think of another time that our firm has had to pay costs and, you know, if we're paying money into court on a matter it's usually paid from trust funds. And so I have no recollection. I - I haven't looked at the cheque. I may very well have signed it inadvertently but this would be very unusual. Because if we had to pay from a general account something called court-ordered costs then I could tell you that my - my approach would be, 'Why are we doing this and what happened?' And I was not aware that this had been paid.
> …
> If - I think if - if costs had been awarded - like in the normal course - and I don't do a lot of litigation, I'm mostly solicitor work, but I – I could see a scenario where costs may very well have been ordered against a client and we would be arranging to pay those costs. But we would never pay them out of general. You know, why would we? You know, it's not our liability, it's our clients' liability. And so, you know, in - in those situations we would be saying to our client, 'We need to pay the money. Give us money in trust and we will arrange the payment for you or, you know, get a cheque payable to the Court to cover those costs.' So the fact that we paid a general cheque for these costs very much concerns me and – and I could see where, you know, maybe if you're waiting for money from funds - for trust funds, you know you're gonna get them tomorrow, then you may cover it in the short term but that's obviously not what's happened here. And - and we would've used whatever trust fund to - to do that. And that's pretty unusual. We're not in the - in the business of financing our clients' litigation. And so it would be - it makes me

> think that a mistake had been made, otherwise why would the funds have been paid out of general?
>
> **Exhibit 101 - Transcript at p. 7 and 9-10 (June 15, 2017)**

139. In my response to this aspect of the LSA's investigation, I stated the following:

> I discussed with one of the firm's partners the necessity of paying the court ordered costs of $3,325.66 out of the general account due to there being insufficient trust funds to cover the same. I did not have signing authority on this account and the cheque would have to be presented to one of the partners for their endorsement. I cannot comment if I was asked why the costs were being paid from the general account or if fully explained the circumstances surrounding the same.
>
> **Exhibit 179 – Email (October 26, 2017)**

e. Third Party Defendants' Formal Offer and Post-Questioning

140. On February 11, 2015, I was served with a Formal Offer to Settle by the Third-Party Defendants. The deadline to respond was two months later.

Exhibit 102 - Letter (February 11, 2015)

141. On February 14, 2015, the Formal Offer to Settle by the Third-Party Defendants was forwarded to Mr. [AS]'s Work Email Address and was bounced back a few minutes later. Despite this bounce-back message, nobody followed up to resend the email to him.

Exhibit 103 - Email (February 14, 2015)

142. On February 25, 2015, Mr. [AS] emailed me to advise that he had heard nothing from me since the Questioning on January 8, 2015 and asking me if I had received the responses to undertakings arising out of the Questionings.

Exhibit 104 - Email (February 25, 2015)

143. Later that day, my assistant resent the email of February 14, 2015, to the correct email address. Nobody resent the email of January 29, 2015, to which was purportedly attached the Account for Services, which would have also bounced back, having been sent to the Work Email Address.

Exhibit 105 - Email (February 25, 2015)

144. On February 25, 2015, I spoke with Mr. [AS] and he instructed me to reject the Formal Offer to Settle from the Third-Party Defendants and asked me whether his offer to settle had been sent to the other side. Because I did not recall receiving an offer from him, I asked him to send it to me for my review. It is clear, however, that he was referring to his instructions on October 23, 2014, to send an offer to the Plaintiffs, which I had failed to comply with.

Exhibit 106 - Letter (March 13, 2015)

145. On February 26, 2015, I was served with the responses to undertakings from the Questioning of the Plaintiffs. I did not send these to my clients for their review despite having been asked to do so the day before.

Exhibit 107 - Letter (February 26, 2015)

146. On March 16, 2015, Mr. [AS] instructed me to reject the Formal Offer to Settle from the Third-Party Defendants and to extend a Formal Offer to Settle to them, which I did on March 18, 2015. I also served a Formal Offer to Settle on the Plaintiffs on March 20, 2015.

Exhibit 108 - Email (March 16, 2015)
Exhibit 109 - Letter (March 18, 2015)
Exhibit 110 - Letter (March 20, 2015)

147. On March 18, 2015, Mr. [AS] emailed me to ask if he and Mr. [WR] were current with their fees. Nobody got back to him to advise him that they were in arrears.

Exhibit 111 - Email (March 18, 2015)

f. Applications for Summary Dismissal

148. On April 23, 2015, I was served with an Application for Summary Dismissal by counsel for the Plaintiffs. After consulting with my clients and all counsel, the Application was scheduled for December […], 2015. However, I did not send the Application materials to my clients.

Exhibit 112 - Letter with Application (April 22, 2015)

149. On May 11, 2015, I received Confirmation of Master's Special Chambers Booking for December […], 2015, which included the deadlines for the filing of briefs.

Exhibit 113 - Memo (May 11, 2015)

150. After the Special Chambers Application was scheduled, I set the file aside for the next six months. I did not take steps to cross-examine on the Plaintiffs' Affidavit, nor did I take steps to prepare a responding Affidavit for my clients, despite Rule 6.6(1) of the *Alberta Rules of Court*, which provided as follows:

> 6.6(1) If the respondent to an application intends to rely on an affidavit or other evidence when the application is heard or considered, the respondent must reply by serving on the applicant a copy of the affidavit or other evidence a reasonable time before the application is to be heard or considered.

151. On or about October 14, 2015, Mr. [AS] emailed me about the Application, to which I did not respond. On October 21, 2015, he called my office and asked to meet with me before the Application date.

Exhibit 114 - Email (October 21, 2015)

152. On October 26, 2015, I met with Mr. [AS] and told him that I would have his responding Affidavit ready for his review no later than November 13, 2015.

Exhibit 170 – Email (April 15, 2016)

153. I had not considered that November 13, 2015, might be too late to file a responding Affidavit, as that was the same day that the Applicants' briefs were due.

154. On October 30, 2015, my assistant sent copies of the Plaintiffs' Application materials to Mr. [AS], which had not been done yet, and he responded with comments on November 3, 2015. I advised him that I thought that he would provide me with an almost-completed Affidavit, and not simply with comments, which would take more of my time to deal with. I understand that Mr. [AS] disagrees with my expectation that he would provide me with a fully-drafted Affidavit.

Exhibit 115 - Email (October 30, 2015)
Exhibit 116 - Email (November 3, 2015)
Exhibit 172 – Email (May 23, 2016)

155. On November 4, 2015, my assistant spoke with Mr. [AS] and assured him that I was working on the Affidavit and would have it ready by November 13, 2015.

Exhibit 117 - Memo to File (November 4, 2015)

156. On November 6, 2015, I was served with an Application for Summary Judgment with supporting Affidavit on behalf of the Third-Party Defendants. I did not send these materials to my clients.

Exhibit 118 - Email (November 3, 2015)

157. On November 11, 2015, Mr. [AS] followed up by email asking for a status report on his Affidavit.

Exhibit 119 - Email (November 11, 2015)

158. On November 12, 2015, Mr. [AS] sent me an email expressing his displeasure in not having received his Affidavit from me. I got back to him that evening with a draft Affidavit for his review. He provided me with his comments the next day.

Exhibit 120 - Email String (November 12, 2015)
Exhibit 121 - Email (November 12, 2015)
Exhibit 122 - Email (November 13, 2015)

159. On November 13, 2015, I was served with written briefs of the Plaintiffs and of the Third-Party Defendants, which I did not forward to my clients.

Exhibit 123 - Letters (November 13, 2015)

160. Because November 13, 2015, was a Friday, Mr. [AS] had to wait until Monday to have it sworn. On November 16, 2015, he sent the executed Affidavit to me by courier, which arrived on November 18, 2015.

Exhibit 124 - Email String (November 16-18, 2015)

161. The Affidavit was filed on November 19, 2015, and served, along with our brief, on counsel for the Third-Party Defendants on Friday, November 20, 2015. However, the office of counsel for the Plaintiffs was closed by the time the materials arrived, and thus the materials were delivered the following Monday.

Exhibit 20 – Procedure Card
Exhibit 125 - Letters (November 20 and 23, 2015)

162. On December […], 2015, a few minutes before the Special Chambers Application was to start, I met with Mr. [AS] in the hallway and explained to him that opposing counsel were going to object to sections of his Questioning transcript having been included in my brief.

I did not advise him that they had also told me that they intended to object to the entirety of his Affidavit being admitted because it was filed late in the process.

163. The Special Chambers Application then proceeded as scheduled before Master [T]. Both opposing counsel argued that Mr. [AS]'s Affidavit was filed too late, contrary to Rule 6.6(1), and thus should not be admitted. Master [T] stated that he had not seen the Affidavit in any event and I took the position that I could argue the matter with or without Mr. [AS]'s Affidavit being on the record. I did not seek an adjournment to ensure that the Affidavit that I had obtained from Mr. [AS] would be included in the evidence to be considered by the Master.

Exhibit 126 - Transcript Excerpts (December 3, 2015)

164. In the result, Master [T] made the following orders:

a. He awarded summary judgment against my clients, but at a reduced amount of $22,314.13, with pre-judgment interest from the service of the Statement of Claim;

b. He awarded the Plaintiffs costs at 2x the amount of Column 1 for all items arising before service of the Formal Offer to Settle on March 20, 2014, and at 3x the amount of Column 1 of Schedule "C" for all items arising after that date;

c. He dismissed my clients' Third-Party Claim; and

d. He awarded the Third-Party Defendants costs at 1x the amount at Column 1 for all items arising prior to service of the Formal Offer to Settle on February 11, 2015, and at 2x the amount at Column 1 of Schedule "C" for all items arising after that date.

Exhibit 127 - Order (January 7, 2016)
Exhibit 128 - Order (Undated)

165. After the hearing, I recommended that Mr. [AS] seek an appeal, and he followed up on December 7, 2015, by email. My assistant left a note for me to call him, but I never did.

Exhibit 129 - Email (December 7, 2015)

166. On December 8, 2015, I drafted a letter to Mr. [AS] advising him that I was moving a new firm as of December 31, 2015. The letter was to be sent by email, however, there is no evidence to show that it was sent and, if sent, to what email address it was sent. Mr. [AS] denies having received the letter.

Exhibit 130 - Letter (December 8, 2015)

167. On December 9, 2015, I sent an email to Mr. [AS] which stated the following:

> You had requested what the timeline is to appeal the decision of the Master to a Justice of the Queen's Bench prior to tomorrow's teleconference. I can advise that you have 10 days from the date that the Judgment is entered and served upon you. We have not been served with the order at this time so the 10 days has not started running.

Exhibit 131 - Email (December 9, 2015)

g. Finalizing the Form of Order in the Main Action

168. Regarding the Form of Order dealing with the main Action,

a. On December 11, 2015, I was served with a draft Order and Bill of Costs by counsel for the Plaintiffs. I returned a signed copy of the Order but not of the Bill of Costs;

Exhibit 132 - Letter (December 11, 2015)

b. Counsel for the Plaintiffs filed the Order on January 7, 2016;

Exhibit 133 - Letter with Order (January 11, 2015)

c. Because I had failed to advise counsel for the Plaintiffs of my change of firms, on January 11, 2016, he served a copy of the filed Order on my old firm by fax. My old firm forwarded the fax to me at my new firm, by email; and

Exhibit 133 - Letter (January 11, 2015)
Exhibit 134 - Email (January 11, 2015)

d. Pursuant to Rule 6.14(2) of the *Rules of Court*, my clients had ten days from the date of service of January 11, 2016, to file an appeal from this Order, or until January 21, 2016. However, I did not advise them that I had been served by counsel for the Plaintiffs with the filed Order and the deadline to appeal expired without them having done so.

h. Finalizing the Form of Order of the Third-Party Claim

169. Regarding the Form of Order dealing with the Third-Party Claim,

a. On December 9, 2015, I was served with a draft Order and Bill of Costs by counsel for the Third-Party Defendants, to which I did not respond;

Exhibit 135 - Letter (December 9, 2015)

b. He followed up on January 12, 2016, and I responded that I would send him the executed documents by the end of the week, which I did not do;

Exhibit 136 - Email String (January 12, 2016)

c. On January 18, 2016, I returned a signed copy of the Order to counsel for the Third-Party Defendants, but not the Bill of Costs; and

Exhibit 137 - Email (January 18, 2016)

d. On February 1, 2016, I was served with a copy of the filed Order and another copy of a draft Bill of Costs, which I did not deal with. As discussed, my clients had ten days from the date of service of the Order to file an appeal, or until February 11, 2016. I did not advise them that I had been served with this Order and the deadline to appeal expired without them having done so.

Exhibit 138 - Letter (February 1, 2016)

i. Enforcement Proceedings by the Plaintiffs

170. On January 14, 2016, I filed a Notice of Change of Representation from my old firm to my new firm and served it the next day on all counsel and on my old firm.

Exhibit 139 - Notice (January 14, 2016)
Exhibit 140 - Letters (January 15, 2016)

171. On January 15, 2016, Mr. [AS] emailed my assistant as follows:

> Has there been any correspondence from the court of opposing lawer [sic] in the past 30 days.
> I will be out of the country starting Jan 21st through mid March/16. I can be reached at this email address.

Exhibit 141 - Letters (January 15, 2016)

172. Regarding the amounts owing to the Plaintiffs, as noted, on December 11, 2015, I was served with a Bill of Costs by counsel for the Plaintiffs, which I did not endorse or return.

Exhibit 132 - Letter (December 11, 2015)

173. On January 18, 2016, counsel for the Plaintiffs served me with an Appointment to Assess Costs in the total amount of $13,959.99, returnable on February […], 2016

Exhibit 142 - Letter with Appointment (January 18, 2016)

174. That day, I spoke with Mr. [AS] over the telephone. He stated that he had not received any mail from me, nor did he know that I had moved to a new firm. He requested that I sent him copies of all Court documents. Later that evening, I emailed him a copy of the appointment materials that I had received earlier that day. However, I did not email him a copy of the filed order, or of the Bill of Costs, nor did I advise him that the appeal period to appeal the decision in the main action would expire in three days.

Exhibit 143 - Note to File (January 18, 2016)
Exhibit 144 - Email String (January 18, 2016)

175. On February […], 2016, the day of the Appointment to Assess Costs, I provided my consent to the Bill of Costs. The Appointment went ahead later, and the Bill of Costs was allowed by the Assessment Officer in the amount of $13,959.99.

Exhibit 145 - Fax (February 1, 2016)
Exhibit 146 - Bill of Costs (February 1, 2016)

176. On February 3, 2016, counsel for the Plaintiffs filed a Writ of Enforcement, which was subsequently registered on three titles of properties owned by Mr. [AS]

Exhibit 147 - Writ (February 3, 2016)

177. On February 5, 2016, I was served by fax with a filed copy of the Writ of Enforcement and a request for financial information in Form 13. The letter stated the following in part:

> We enclose herewith a filed copy of the Bill of Costs, our clients' Writ of Enforcement, and a financial report of Debtor to be completed by Mr. [AS] and returned to our offices within 15 days. Rather than receiving the completed financial report of Debtor, we would, of course, be happy to accept payment in full of the amount owed to my clients.

Exhibit 148 - Letter (February 5, 2016)

178. I did not respond to this letter nor did I forward it to my clients.

179. By February 12, 2016, both appeal periods had expired.

180. On February 22, 2016, Mr. [AS] emailed me to let me know that he had not received any communications from me since January 2016. I did not respond to this email. He followed up by email again on March 16, 2016, to which I did not reply.

Exhibit 149 - Email String (February 22 and March 16, 2016)

181. Sometime in March 2016, my office received a telephone message from counsel for the Plaintiffs requesting that I return a completed Form 13 to him, failing which he would have to file an Application to compel financial documents from my clients. I did not respond to him.

Exhibit 150 - Memo to File (Undated)

182. On March 24, 2016, Mr. [AS] received notice that the Writ had been registered at Land Titles. He emailed my office and was told by my assistant that she could not tell him what was going on without permission. He emailed again to discuss this development with me.

Exhibit 151 - Email String (March 24, 2016)

183. Later that day, Mr. [AS] emailed me as follows, to which I did not respond:

> On December […], 2015 we spoke in the hall after the Master rendered his judgement on this file.
>
> 1. You recommended we file an appeal and we have 10 days to do so after the judgement with costs is rendered. I said I would think on it (an appeal) and discuss with you when the judgement arrives. As of today, March 24, 2016 I have not received any judgements or information of any kind from you or the court. I want to appeal and wish to discuss.
>
> 2. We next spoke on Jan/16, and you confirmed again that all correspondence info on this matter would be forwarded to me. I sent several emails since that date requesting an update and request for information/correspondence on the file. As of today none has been received.
>
> 3. I then presume we can proceed with our appeal once the Master sends the final judgement.
>
> I have also requested you return my calls to your assistant. None received.
> Please confirm receipt and call regarding next steps.

Exhibit 152 - Email (March 24, 2016)

184. On March 29, 2016, I was served with an Application to compel financial disclosure by counsel for the Plaintiffs, returnable on April […], 2016. The Application also sought to hold my clients in contempt of Court. I did not respond despite a follow up email from counsel for the Plaintiffs the next day, nor did I send these materials to Mr. [AS].

Exhibit 153 - Letter with Application Materials (March 29, 2016)
Exhibit 154 - Email (March 30, 2016)

185. On March 30, 2016, Mr. [AS] emailed me as follows:

> We spoke last on Jan 18, 2016 regarding the Summary Judgement. You informed me the costs of the judgement were still being determined and nothing has been issued by the Master. I requested, and you agreed, to forward any documents (including the judgement) to me.
>
> Subsequently, I called and emailed you several times in Feb and March requesting an update on this file.
>
> I have received no documents or updates on my file of any kind from you including the judgement of Dec 3rd, 2015 since our Jan 18 conversation.
>
> I spoke with your assistant, [K], last Thursday who confirmed to me that she put my file out for your attention on Thursday afternoon. She also confirmed there are items needing attention but that she was not "authorized" to inform me as to what they are.
>
> I have learned that a writ of enforcement has been issued against me and likely served on you on my behalf.
>
> I request that you immediately:
>
> 1. Send a copy of the Dec […], 2015 judgement electronically to me today.
> 2. Send a copy of the writ of enforcement to me today.
> 3. Send copies of other relevant documents to me today so that I may protect my interests in this matter.

Exhibit 155 - Email (March 30, 2016)

186. I spoke with Mr. [AS] shortly thereafter. He advised me that he would be retaining another lawyer to deal with all outstanding matters.

Exhibit 155 – Notes on Email (March 30, 2016)

187. On April 1, 2016, I received an email from counsel for the Plaintiffs advising that he had been contacted by this other lawyer regarding the payment of the judgment and that, with my consent, he would adjourn *sine die* the Application to Compel that was scheduled for April […], 2016. I provided my consent that day.

Exhibit 156 - Emails (April 1, 2016)

188. On April 6, 2016, Mr. [AS] emailed me as follows:

> [KH] of [O] LLP is sending you a bill of costs regarding the release of the Writ of Enforcement on my assets (served on you on or about Feb 24/16).
> You are hereby directed to consent to Mr. [KH]'s bill of costs as my lawyer of record. This is required immediately or further costs may be incurred due to your delay.
> I require a copy of your consent for my file.
> Please confirm your receipt of this direction.

Exhibit 157 - Email (April 6, 2016)

189. Mr. [AS] paid the outstanding judgment and costs owed to the Plaintiffs and, on April 12, 2016, his new lawyer was provided with the various discharges and a Satisfaction Piece.

Exhibit 158 - Letter (April 12, 2016)

190. On April 12, 2016, I was served with a subsequent Bill of Costs for $887.56 by counsel for the Plaintiffs for all steps taken since the filing of the original Bill of Costs. Six days later, on April 18, 2016, I returned the Subsequent Bill of Costs to him with my endorsement on it.

Exhibit 159 - Letter (April 12, 2016)
Exhibit 160 - Email (April 18, 2016)

191. On April 21, 2016, a filed copy of the Subsequent Bill of Costs was served on me by counsel for the Plaintiffs. I did not forward it to my clients.

Exhibit 161 - Letter (April 21, 2016)

j. Enforcement Proceedings by Third-Party Defendants

192. Regarding the payment of costs owing to the Third-Party Defendants, as noted, on February 1, 2016, I received a copy of the Bill of Costs for $6,092.72 from counsel for the Third-Party Defendants, which had been missing from previous email. I did not endorse the Bill of Costs, nor did I send it to my clients.

Exhibit 138 – Letter (February 1, 2016)

193. On August […], 2016, an Appointment for the Assessment of Costs was filed in Court, returnable on September 13, 2016. Counsel for the Third-Party Defendants served me with the Appointment, which I did not forward to my clients.

Exhibit 20 – Procedure Card
Exhibit 176 – Email (December 19, 2016)

194. On September […], 2016, the Appointment went ahead and the Bill of Costs was certified for $6,092.72 by the Assessment Officer. I did not attend the Appointment. The Bill of Costs was then served on me and I did not forward it to my clients.

Exhibit 162 - Bill of Costs (September 13, 2016)
Exhibit 176 – Email (December 19, 2016)

195. On November 16, 2016, I served an unfiled Notice of Withdrawal of Lawyer of Record on counsel for the Third-Party Defendants. However, I did not file an Affidavit of Service until December 14, 2016, and I remained lawyer of record until December 24, 2016, as set out in Rule 2.29(2) of the *Alberta Rules of Court*. In addition, the Notice of Withdrawal stated that the last-known address of Mr. [AS] was in Camrose, when he resided in Canmore. All future correspondence to Mr. [AS] by all parties would incorporate this error.

Exhibit 163 - Letter (November 16, 2016)

196. On November 21, 2016, counsel for the Third-Party Defendants filed a Writ of Enforcement, which was subsequently registered on title to three of Mr. [AS]'s properties and with the Personal Property Registry System.

Exhibit 164 - Writ of Enforcement (November 21, 2016)
Exhibit 165 - PPR Verification Statement (November 21, 2016)

197. On November 26, 2016, I served Mr. [AS] with an unfiled Notice of Withdrawal of Lawyer of Record by registered mail, for which he signed. As noted, however, I did not file an

Affidavit of Service until December 14, 2016 and remained the lawyer of record until December 24, 2016.

Exhibit 167 – Affidavit of Service (December 14, 2016)

198. On December 8, 2016, counsel for the Third-Party Defendants mailed the various enforcement documents that he had been filed to Mr. [AS]. The letter was received on December 16, 2016.

Exhibit 166 - Letter (December 8, 2016)
Exhibit 176 – Email (December 19, 2016)

199. On December 14, 2016, I filed an Affidavit of Service evincing service of the Notices of Withdrawal of Lawyer of Record.

Exhibit 167 - Affidavit of Service (December 14, 2016)

200. On December 19, 2016, I received a letter from counsel for the Third-Party Defendants advising that Mr. [AS] was under the impression that I was still his lawyer of record. I responded the same day by sending a copy of the Affidavit of Service to counsel for the Third-Party Defendants.

Exhibit 168 - Letter (December 19, 2016)
Exhibit 169 - Letter (December 19, 2016)

201. On December 19, 2016, Mr. [AS] paid the outstanding costs by sending a bank draft to counsel for the Third-Party Defendants.

Exhibit 176 – Email (December 19, 2016)

k. Complaint by Mr. [AS] and Responses

202. As noted, on April 7, 2016, Mr. [AS] submitted a complaint to the LSA about my conduct.

Exhibit 16 – Lawyer Complaint Form

203. During the review into Mr. [AS]'s complaint, he provided additional information to the LSA, to which I responded in turn, in the following sequence:

a. On April 15, 2015, Mr. [AS] provided an update to his complaint;

Exhibit 170 - Email (April 15, 2016)

b. On April 29, 2016, I provided my response to the initial complaint to which I attached some documents, but none of which related to the matters that were the subject of the second investigation into my conduct. I also stated the following in the response:

> Respecting [AS]' complaint regarding communication, and lack thereof, I would submit that all communications between the client and myself have been proper and as timely a manner as possible. …

Exhibit 171 - Letter (without attachments) (April 29, 2016)

c. On May 23, 2016, Mr. [AS] provided a reply to my response;

Exhibit 172 - Email (May 24, 2016)

d. On June 20, 2016, Mr. [AS] provided additional documents to the LSA;

Exhibit 173 - Email (without attachments) (June 20, 2016)

e. On September 28, 2016, I provided a further response to Mr. [AS]'s complaint. In which I stated the following in part:

> …
> (b) … I informed Mr. [AS] immediately following the decision of the Master on December 3, 2015 that I did not do appeals and he would have to seek outside counsel in this regard.
>
> (c) I have endeavored to provide Mr. [AS] with copies of all documents obtained respecting his action within a timely manner.
>
> …
> With respect to Mr. [AS]' allegations respecting honesty and candour, I can only advise that I have always acted honestly and openly with Mr. [AS] (and all of my clients). I believe that members of the legal profession must hold themselves to the highest of standards in this regard and do not believe that I have mislead Mr. [AS] or misrepresented any fact or opinion to him at any time.

Exhibit 174 - Letter (without attachments) (September 28, 2016)

f. On November 17, 2016, Mr. [AS] provided a reply to my letter of September 28, 2016, and stated that I recommended an appeal, contrary to what I had stated in my response of September 28, 2016;

Exhibit 175 - Letter (without attachments) (November 17, 2016)

g. On December 20, 2016, Mr. [AS] sent two emails to the LSA with additional information; and

Exhibit 176 - Email (December 20, 2016)
Exhibit 177 - Email (December 20, 2016)

h. On December 23, 2016, I provided at reply to Mr. [AS]'s letter of November 17, 2016.

Exhibit 178 - Letter (December 23, 2016)

I. LSA Investigation and Response

204. As noted, an additional investigation into my conduct occurred after the initial citations were issued, resulting in an Investigation Report and a Supplemental Investigation Report.

Exhibit 18 – Investigation Report (September 12, 2017)
Exhibit 19 – Supplemental Investigation Report (September 26, 2017)

205. These reports were sent to me for my review, and, on October 26, 2017, I provided a response to them by email.

Exhibit 179 - Email Response (October 26, 2017)

m. Unbilled Work in Progress

206. During the investigation, my old firm provided LSA investigators with a draft Statement of Account dated June 29, 2017, which set out the fees that had been incurred between October 28, 2013 and December 22, 2015, which totalled $9,859.50. These fees were eventually written off by my old firm as being uncollectable.

Exhibit 180 - Draft Statement of Account (June 29, 2017)

3. Admissions of Guilt

Citation 3. Formal Offer to Settle by the Plaintiffs

207. I admit that I failed to provide competent, timely, conscientious, diligent, and efficient service to my clients regarding the Plaintiffs' Formal Offer to Settle, which was served on me on March 20, 2014, particulars of which include,

a. Failing to ensure that Mr. [AS] had received a copy of the Formal Offer to Settle; and

b. Failing to follow up with Mr. [AS] before the Formal Offer expired on May 20, 2014, to obtain his instructions about how to proceed,

all of which was contrary to Rules 2.02(1) and 2.02(3) of the of the *Code*.

Citation 4. Summary Dismissal Materials

208. I admit that I failed to provide competent, timely, conscientious, diligent, and efficient service to my clients regarding the Summary Dismissal application materials, particulars of which include,

a. Failing to send copies of the materials filed on behalf of the Plaintiffs on April 23, 2015, until more than six months later, on October 30, 2015; and

b. Failing to provide copies of the materials filed on behalf of the Third-Party Defendants to Mr. [AS] at all after the materials were served on me on November 6, 2015;

all of which is contrary to Rule 2.02(1) of the *Code*.

Citation 5. The [AS] Affidavit

209. I admit that I failed to provide competent, timely, conscientious, diligent, and efficient service to my clients regarding the filing of the Affidavit sworn by Mr. [AS] (the "**[AS] Affidavit**"), particulars of which include,

a. I failed to consider whether my clients needed to file a responding affidavit at all given my position in Court on December […], 2015, that I did not need an affidavit to argue my clients' position;

b. I failed to consider whether I should cross-examine on the affidavits filed by the opposing parties, which may have obviated the need for my clients to file a responding affidavit at all, given my position in Court on December […], 2015, that I did not need an affidavit to argue my clients' position;

c. Having decided that my clients needed to file a responding affidavit,

(1) I failed to take any steps whatsoever to draft one between the date that I was served with the Plaintiffs' materials (April 23, 2015), and the date on which I met with Mr. [AS] (October 26, 2015), more than six months later;

(2) I failed to consider the effect of Rule 6.6(1) of the *Alberta Rules of Court* when I planned to file the [AS] Affidavit on November 13, 2015, which was the due date for the filing and service of the opposing parties' briefs of law; and

(3) Having received Mr. [AS]'s comments on November 3, 2015, I took an additional nine days before returning a draft to him for his review;

all of which is contrary to Rule 2.01(1) of the *Code*.

Citation 6. Lack of Follow Up After Summary Dismissal Hearing

210. I admit that I failed to provide competent, timely, conscientious, diligent, and efficient service to my clients regarding providing Mr. [AS] with the Court Materials after the hearing on December […], 2015, particulars of which include,

a. After recommending on December […], 2015, to Mr. [AS] that he should consider filing an appeal of the decision of the Master, failing to follow up with him until he got in touch with me on January 18, 2016; and

b. Failing to provide Mr. [AS] with Court materials, some of which I had already been served on me, following my conversation with him on January 18, 2016, despite repeated follow up communications in February and March of 2016 from him, resulting in the expiry of all appeal periods by February 12, 2016;

all of which is contrary to Rule 2.02(1) of the *Code*.

Citation 7. Enforcement Proceedings

211. I admit that I failed to provide competent, timely, conscientious, diligent, and efficient service to my clients regarding the enforcement proceedings, particulars of which include,

a. Regarding the enforcement proceedings initiated by the Plaintiffs,

(1) Failing to notify Mr. [AS] that I had been served with a draft Bill of Costs on December 11, 2015;

(2) Failing to respond to counsel for the Plaintiffs after service of the filed Bill of Costs, thereby compelling him to file an Appointment to Assess Costs on January 18, 2016, returnable on February 1, 2016;

(3) Failing to notify Mr. [AS] I had consented to the draft Bill of Costs on February 1, 2016;

(4) Failing to notify Mr. [AS] that I had been served with a Writ of Enforcement and a Form 13 on February 5, 2016;

(5) Failing to do anything whatsoever in response to the Writ of Enforcement and Form 13, including failing to respond to counsel for the Plaintiffs when he called me in March 2016, and told me that he would file an application to compel the Form 13 from my clients; and

(6) Failing to advise Mr. [AS] that I had been served on March 29, 2016, with an Application to compel financial disclosure and to hold my clients in contempt of Court for failing to return a completed Form 13;

b. Regarding the enforcement proceedings initiated by the Third-Party Defendants,

(1) Failing to notify Mr. [AS] that I had been served with a draft Bill of Costs February 1, 2016;

(2) Failing to notify Mr. [AS] that I had been served an Appointment to Assess Costs on August 18, 2016, returnable on September […], 2016;

(3) Failing to take any action whatsoever in response to the Appointment, including failing to attend the Appointment on September […], 2016, and failing to notify Mr. [AS] that I had been served that day with a certified Bill of Costs; and

(4) Failing to take the correct steps to remove myself as solicitor of record and then denying that fact in response to an inquiry by counsel for the Third-Party Defendants on December 19, 2016;

all of which is contrary to Rule 2.02(1) of the *Code*.

Citation 8. Subsequent Bills of Costs

212. I admit that I failed to provide timely, conscientious, diligent, and efficient service to my clients when I failed to return promptly an executed copy of the subsequent Bill of Costs to counsel for the Plaintiffs, despite clear instructions from Mr. [AS] to do so immediately, which is contrary to Rule 2.02(1) of the *Code*.

Citation 9. Application to Compel Questioning (July […], 2014)

213. I admit that I failed to provide competent, timely, conscientious, diligent, and efficient service to my clients regarding the Application to Compel Questioning on July […], 2014, particulars of which include,

a. Before the application was filed, failing to contact them to obtain their availability for Questioning despite repeated communications from counsel for the Plaintiffs by letter, voicemail, and email to schedule the Questioning; and

b. After the application was filed, failing to contact them to obtain their availability for Questioning and thus obviate the need for counsel for the Plaintiffs to appear in Court to obtain an order to compel them to attend and to expose them to additional costs,

all of which is contrary to Rule 2.02(1) of the *Code*.

Citation 10. Order by Master [S] to Compel Questioning

214. I admit that I failed to provide competent, timely, conscientious, diligent, and efficient service to my clients after I was served with the Order of Master [S] directing them to attend Questioning on July […], 2014, and to pay the costs of the application, contrary to Rule 2.02(1) of the *Code*.

215. I further admit that I failed in my duty of honesty and candour to my clients,

a. When I contacted Mr. [WR] by email on July 29, 2014, about the Questioning but failed to tell him about the Order by Master [S] or about the costs that had been ordered against them; and

b. When I failed to advise Mr. [AS] about the Order of Master [S] or the costs that had been ordered against them in response to his emails on July […], 2014, and August 18, 2014;

all of which was contrary to Rule 2.02(2) of the *Code*.

Citation 11. Failure to Attend Court (July […], 2014)

216. I admit that I failed to provide competent, conscientious, diligent, and efficient service to my clients when I failed to attend Court on July […], 2014, contrary to Rule 2.02(1) of the *Code*.

Citation 12. Contempt Application (October […], 2014)

217. I admit that I failed to provide competent, timely, conscientious, diligent, and efficient service to my clients regarding the Contempt Application on October […], 2014, particulars of which include,

a. Before the Contempt Application was filed, failing to ensure that my clients would be in attendance at the Questioning that had been ordered to occur on July […], 2014, despite two letters from counsel for the Plaintiffs, resulting in a Certificate of Non-Attendance being issued;

b. After the Contempt Application was served on me twice, once on August 27, 2014, and again on September 3, 2014,

(1) Failing to contact my clients to provide dates for Questioning, which would have resulted in counsel for the Plaintiffs withdrawing the application;

(2) Failing to follow through with the draft Consent Order from counsel for the Plaintiffs that I received on September 23, 2014, despite follow up voice messages, an email, and a letter from him;

all of which is contrary to Rule 2.02(1) of the *Code*.

218. I further admit that I failed in my duty of honesty and candour to my clients regarding the Contempt Application, particulars of which include,

a. On September 18, 2014, I failed to disclose why I was emailing them to ask them about their availability for Questioning; and

b. On October 2, 2014, I failed to take the opportunity to disclose the truth to my clients when Mr. [AS] specifically asked if there was anything urgent on the horizon;

all of which is contrary to Rule 2.02(1) of the *Code*.

Citation 13. Failure to Attend Court (October […], 2014)

219. I admit that I failed to provide competent, timely, conscientious, diligent, and efficient service to my clients regarding the Contempt Application when I failed to attend Court on October […], 2014, which resulted in the judge adjourning the matter to October […], 2014, and directing my attendance, contrary to Rule 2.02(1).

Citation 14. Consent Order (October […], 2014)

220. The wording of Citation 14 is incorrect as the [Z] Order was not done by consent but was imposed by the Court. Consequently, no evidence will be called to support this citation.

Citation 15. [Z] Order and Costs Penalty

221. I admit that I failed to provide competent, timely, conscientious, diligent, and efficient service to my clients after I was served with the [Z] Order on October 10, 2014, particulars of which include,

a. Failing to provide them with a copy of the order; and

b. Failing to take steps to schedule Questionings in accordance with the deadlines in the order, despite two emails and a fax from counsel for the Plaintiffs providing me with his clients' availability;

all of which is contrary to Rule 2.02(1) of the *Code*.

222. I further admit that I failed in my duty of honesty and candour to my clients, particulars of which include:

a. Failing to disclose the existence of the [Z] Order and Costs Penalty in my emails of October 19, 2014; October 20, 2014, and December 9, 2014; and

b. Paying out the Costs Award on January 8, 2015, without the knowledge of my clients;

all of which is contrary to Rule 2.02(2) of the *Code*.

Citation 16. Enforcement Proceedings in December 2014

223. I admit that I failed to provide competent, timely, conscientious, diligent, and efficient service to my clients regarding the enforcement proceedings undertaken by the Plaintiffs in 2014, particulars of which include:

a. Before being served with the Writ of Enforcement on December 23, 2014,

(1) Failing to take steps to ensure that the Costs Penalty was paid by the Court-imposed deadline of October 23, 2014;

(2) Failing to respond to counsel for the Plaintiffs email of December 4, 2014, in which he stated that failure to pay the Costs Penalty would result in him starting enforcement proceedings, which he did on December 23, 2014;

b. After being served with the Writ of Enforcement, failing to tell my clients about it;

all of which is contrary to Rule 2.02(1) of the *Code*.

224. I further admit that I failed in my duty of honesty and candour to my clients by paying the Costs Penalty on January 8, 2015, without telling them, which is contrary to Rule 2.01(2) of the *Code*.

Citation 17. Accounting Rules – Legal Fees

225. I admit that I breached Rule 119.21(4) of the *Rules of the Law Society of Alberta* (the "***Rules***") by applying my clients' trust monies of $1,233.25 to the outstanding balance of the Account for Services dated January 28, 2015, without ensuring that they had received a copy of the Account, particularly after having been told repeatedly to send all emails to Mr. [AS]'s Home Email Address and not his Work Email Address.

Citation 18. Accounting Rules – Costs Penalty

226. I admit that I breached Rule 119.21(3) of the Rules by applying $655.47 of my clients' trust monies to pay for part of the Costs Penalty, a disbursement about which they knew nothing and had no responsibility for having incurred.

Citation 19. Fake Letters

227. I admit that I failed in my duty of honesty and candour to my clients when I fabricated two letters on July 29, 2014 and placed them in my correspondence file to make it seem like I had been trying to contact them to schedule the Questioning on July […], 2014, contrary to Rule 2.02(2) of the *Code* in effect at the time.

228. I further admit that I failed in my duty to provide complete reply to the LSA dated when I denied having fabricated the letters in my response dated October 26, 2018, thereby requiring the LSA to obtain an expert report to prove that which I already knew, contrary to Rule 7.1-1 of the *Code*.

Citation 20. Responding to Other Lawyers

229. I admit that I failed to respond to at least 20 communications from counsel for the Plaintiffs that required an answer and at least five communications from counsel for the Third Parties that required an answer, contrary to Rule 6.02(7) of the Rules in effect at that time.

230. I further admit that I was not honest in some of my communications with opposing counsel, particulars of which include,

a. I was not honest with counsel for the Third-Party Defendants in my email of January 30, 2014, by telling him that I could not obtain instructions when I had not actually attempted to do so; and

b. I was not honest with counsel for the Plaintiffs in my email of February 14, 2014, when I advised him that Mr. [AS] had not attended an appointment when none had been scheduled;

all of which is contrary to Rule 6.02(2) of the *Code*.

COMPLAINT #4: LSA (CO.2017.1916)

1. Procedural Background

231. On June 27, 2017, while investigating the other complaints referred to herein, the LSA became aware of a fourth matter that merited further investigation.

Exhibit 181 – Email String (June 27, 2017)

232. The LSA investigated this additional allegation, which resulted in an Investigation Report and a referral to the Conduct Committee.

Exhibit 182 – Investigation Report (December 19, 2017)
(Digital copy includes attachments; Paper copy does not)

233. On June 25, 2018, the Conduct Committee directed that the following seven citations be dealt with by a Hearing Committee:

> 21. It is alleged Peter J. Mawson failed to provide competent, timely, conscientious, and diligent service when he failed to advise his clients, D.T. and J.H of the Defendant's application for Summary Dismissal initially set for August 15, 2015 and that such conduct is deserving of sanction;
>
> 22. It is alleged Peter J. Mawson failed to provide competent, timely, conscientious, and diligent service when he failed to advise his clients, D.T. and J.H of the Defendant's application for Summary Dismissal set for November […], 2015 and that such conduct is deserving of sanction;
>
> 23. It is alleged Peter J. Mawson failed to provide competent, timely, conscientious, and diligent service when he failed to advise his clients, D.T. and J.H of the Order granted on November 16, 2015 and that such conduct is deserving of sanction;
>
> 24. It is alleged Peter J. Mawson failed to provide competent, timely, conscientious, and diligent service when he failed to advance his clients' matter and that such conduct is deserving of sanction;
>
> 25. It is alleged Peter J. Mawson failed to be candid with other lawyers B.G. and A.H and that such conduct is deserving of sanction;
>
> 26. It is alleged that Peter J. Mawson fabricated correspondence purported to be sent to another lawyer, B.G., after the fact, and that such conduct is deserving of sanction; and
>
> 27. It is alleged Peter J. Mawson failed to be candid with the Law Society and that such conduct is deserving of sanction.

2. Facts

234. My clients were [DT] and [JH] ("**Clients**"). Before becoming Clients of Rackel Belzil LLP, my Clients had retained the services of a different law firm to prosecute a civil claim against a numbered company. The lawsuit related to damages following the defendant's default on two mortgages owned by my Clients. The Defendant was represented by [BG] of [G].

Exhibit 183 – Statement of Claim (Nov 22, 2010) and Statement of Defence (Dec 30, 2010)
Exhibit 184 – Procedure Card

235. In March 2011, the proceedings were purportedly settled pursuant to a forbearance agreement wherein the defendant agreed to make quarterly payments to my Clients until the debt was paid. However, because of an error in which a payment of $50K may have been missed, a dispute arose about the amounts owing.

236. In December 2011, Rackel Belzil LLP assumed conduct of the litigation, with a formal Notice of Change of Representation being filed in Court on January 4, 2012. Initially, [IM] had conduct of the matter, which then passed to [LB], QC.

Exhibit 185 – Notice of Change of Representation

237. A partial listing of steps taken on the file can be found in the following documents: the account for services dated May 31, 2012; a draft account for services dated June 28, 2017; the Client Ledger dated June 28, 2017; and the Client Trust Ledger dated June 28, 2017.

Exhibit 186 – Accounts for Services
Exhibit 187 – Ledgers

238. On April 18, 2012, Mr. [LB] sent a letter to Mr. [BG] which set out my Clients' position about the payment error. Mr. [BG] responded on April 23, 2012, with his client's responding position.

Exhibit 188 – Letter (Apr 18, 2012)
Exhibit 189 – Email (Apr 23, 2012)

239. On June 28, 2012, Mr. [BG] forwarded the final payment to Mr. [LB] and asked if Mr. [LB] would remove my Clients' mortgages from the title, failing which he would do so. This was the last step taken in the litigation until the application to strike filed in August 2015.

Exhibit 190 – Letter (Jun 28, 2012)

240. On September 13, 2012, I assumed conduct of the proceedings.

241. On October 16, 2012, I spoke with Ms. [JH] about the $50K payment error. She had understood that the error was $100K and advised me that she would call me back on October 19, 2012.

Exhibit 191 – Notes (Oct 16, 2012)

242. My file contains unsigned letters to my Clients dated November 1, 2012; February 19, 2013; June 20, 2013; and October 7, 2013 requesting instructions, none of which were received by my Clients.

Exhibit 192 – Letters (Nov 1, 2012; Feb 19, 2013; Jun 20, 2013; Oct 7, 2013)
Exhibit 186 – Account for Services (Jun 28, 2017)
Exhibit 215 – [DT] Interview (p. 13)

243. On or about November 6, 2013, I received a handwritten letter from my Clients, part of which stated the following:

> Attached is my calculations as to the balance owing on the mortgage.
> I believe this is accurate the only uncertainty I have is the 4 $50,000 payments listed. I don't have a complete record of funds that have passed through trust (1 $50,000 payment was directed us). If you can confirm those payments are correct then the balance showing should be correct for October 30/2013 ($13,078.66) ($2.15 per diem).

Exhibit 193 – Letter (Nov 6, 2013)
Exhibit 194 – Handwritten Notes (Undated)
Exhibit 216 – [DT] Responses (Nov 13, 2017)

244. I did not take steps to confirm that the payments were correct or to respond to this communication from my Clients. On March 1, 2014, the letter was faxed to me again.

245. On March 6, 2014, twenty months after the final payment was received from opposing counsel, I sent a trust cheque ($70,616.50) to my Clients, which represented the final instalment payment relating to the foreclosure proceedings. I kept $2,000.00 in my trust account for future legal fees.

Exhibit 195 – Letter (Mar 6, 2014)

246. On March 3, 2015, I spoke with Mr. [DT] over the telephone and he advised me that the Defendant might receive a payment for a right of way involving a pipeline over its lands.

Exhibit 196 – Note (Mar 3, 2015)

247. I did nothing with this information, although my Clients were expecting me to prosecute the claim for the missing $50,000.00.

Exhibit 216 – [DT] Responses (Nov 13, 2017)

248. On August 5, 2015, opposing counsel served Mr. [LB] with a copy of an Application for Summary Dismissal on the grounds that the Settlement Agreement had been performed or, alternatively, for long delay (the "**Dismissal Application**). The Dismissal Application was returnable on August 14, 2015.

Exhibit 197 – Letter with Application and Affidavit (August 5, 2015)

249. The next day, on August 6, 2015, I fabricated three letters (March 10, 2014; April 14, 2014; and February 12, 2014) and two notes to file (March 7, 2014; and March 31, 2014) and placed them in the correspondence file to make seem like I was taking steps to move this matter forward. This deception was uncovered by the LSA during the investigation into my conduct and confirmed by an expert retained by the LSA.

Exhibit 198 – Report with Fake Letters (Mar 21, 2018)
Exhibit 199 – Fake Notes to File

250. I did not advise my Clients about the upcoming Dismissal Application, despite an unsigned letter dated August 10, 2015, in my file to that effect.

Exhibit 200 – Letter (Aug 10, 2015)
Exhibit 215 – [DT] Interview (pp. 22-23)

251. On August 12, 2015, opposing counsel emailed Mr. [LB] to ask about his position on the Dismissal Application. Mr. [LB] informed him that I was handling the file, which was the first time in more than three years that counsel was made aware that I had conduct of the file.

Exhibit 201 – Email String (Aug 12, 2015)
Exhibit 219 – Opposing Counsel Interview (p. 8)

252. On August […], 2015, the day before the Dismissal Application was to be heard, I responded to a voicemail from opposing counsel. During this call, I asked for an adjournment explaining that my client had to cancel his appointment with me. In fact, no appointment had been scheduled. The Dismissal Application was adjourned to August […], 2015.

Exhibit 202 – Emails (Aug […], 2015)
Exhibit 215 – [DT] Interview (pp. 22-23)

253. On August […], 2015, the day before the adjourned Dismissal Application was scheduled to be heard, opposing counsel wrote to me asking for my position about the application. I responded that my Clients had instructed me to question the Defendant's representative on his affidavit. In fact, my Clients had not provided me with any instructions because they were unaware of the Dismissal Application. Opposing counsel consented to a further adjournment *sine die*.

Exhibit 203 – Emails (Aug […], 2015)

254. Between August 20, 2015 and October 6, 2015, I exchanged several emails with opposing counsel to schedule the Questioning. On September 21, 2015, I advised opposing counsel that I was available for questioning on October 8, 2015, which date was tentatively scheduled. I did not respond to four emails from opposing counsel's office asking me to confirm the October 8 date. On October 22, 2015, opposing counsel wrote to the Clerk of the Court and requested that the Dismissal Application be placed on the morning Chambers schedule for November […], 2015.

Exhibit 204 – Emails (Aug 20 – Oct 6, 2015)
Exhibit 205 – Letter (Oct 22, 2015)

255. On or about October 16, 2015, Mr. [DT] came to my office because he was unable to contact me personally. He again explained to me that there was an opportunity to recoup the $50,000.00 because my Client's consent would be needed for a payment to the Defendant.

Exhibit 216 – [DT] Responses (Nov 13, 2017)

256. We met again on October 23, 2015, and he signed an Affidavit that I had prepared for what he understood would be an application for summary judgement, or to be used to obtain a settlement in the action. I did not file this affidavit. I later told LSA investigators that I had advised Mr. [DT] that the purpose of the affidavit was an attempt to take a step in the action to avoid the Dismissal Application and that I told Mr. [DT] to obtain independent legal advice due to my error. However, the affidavit mentions none of this and Mr. [DT] denies that I ever explained to him that there was Dismissal Application or that my Clients should seek independent legal advice because of an error on my part.

Exhibit 184 – Procedure Card
Exhibit 206 – Meeting Notes with Unfiled Affidavits (Oct 23, 2015)
Exhibit 215 – [DT] Interview, pp. 11; 22-23
Exhibit 216 – [DT] Responses (Nov 13, 2017)

257. On November […], 2015, the date of the Dismissal Application, I spoke with [AH], a lawyer from Mr. [BG]'s office who was then assisting him. We agreed to adjourn the Dismissal Application for one week and that, in the meantime, my Clients were interested in seeing the terms of a Consent Order which might dispose of this matter. In fact, my Clients still unaware of the Dismissal Application.

Exhibit 207 – Note, Emails, Consent Order (Nov […], 2015)
Exhibit 215 – [DT] Interview, pp. 22-23

258. On November 10, 2015, opposing counsel emailed me to ask if I had received instructions about the Consent Order. I responded later that day that I had asked my

Clients to provide me with instructions by 2:00 p.m., failing which I would get off the record. In fact, I did not contact my Clients at any time asking for their instructions about the Consent Order.

Exhibit 208 – Email String (Nov 10-11, 2015)
Exhibit 215 – [DT] Interview, 22-23

259. On November […], 2015, opposing counsel attended Court and obtained an Order dismissing my Clients' action, ordering that the mortgages be discharges from title, and ordering costs against my Clients. Despite the Order stating that I had consented to it, I had advised opposing counsel that I took no position because I could not get instructions from my Clients. In fact, I never attempted to obtain instructions from my Clients to take no position on the Dismissal Application.

Exhibit 209 – Order (Nov […], 2015)
Exhibit 219 – Opposing Counsel Interview, p. 14
Exhibit 215 – […] Interview, pp. 22-23

260. On November 17, 2015, I was served with a copy of the filed Order. I did not forward a copy of the Order to my Clients.

Exhibit 210 – Service Letter (Order) (Nov 17, 2015)
Exhibit 215 – [DT] Interview, pp. 22-23

261. On November 27, 2015, I was served with a copy of the filed Bill of Costs for $736.86. I did not forward a copy of the Bill of Costs to my Clients, despite a letter on my file dated November 30, 2015, purporting to have done so.

Exhibit 211 – Service Letter (Bill of Costs) (Nov 27, 2015)
Exhibit 212 –Letter (Nov 30, 2015)
Exhibit 215 – [DT] Interview, pp. 22-23

262. As noted previously, I left Rackel Belzil LLP at the end of December 2015. I took my Clients' file with me to my new firm despite not having requested their permission to do so. I did not contact them after my move.

Exhibit 215 – [DT] Interview, p. 28
Exhibit 222 – Response to Investigation Report, p. 2

263. In mid-April 2016, Mr. [DT] dropped by the offices of Rackel Belzil LLP and learned for the first time that his Action had been dismissed.

Exhibit 215 – [DT] Transcript, p. 23

264. On April 22, 2016, a lawyer with Rackel Belzil LLP wrote to the Clients and provided them with several copies of letters from my file, including the fake letters discussed previously. My clients were reimbursed the $2,000.00 that remained in the firm's trust account and picked up their file from Rackel Belzil LLP in May 2016.

Exhibit 213 – Letter (Apr 22, 2016)
Exhibit 186 – Trust Statement (Apr 21, 2016)
Exhibit 214 – Email String (May 9-10, 2016)

3. LSA Investigation and Responses

265. Regarding my Clients,

a. On July 31, 2017, Mr. [DT] was interviewed by LSA investigators;

Exhibit 215 – [DT] Interview (Jul 31, 2017)

b. On November 8, 2017, the LSA investigator asked some follow up questions, to which Mr. [DT] responded on November 13, 2017; and

Exhibit 216 – Email Questions and Responses

c. On November 22, 2107, the LSA investigator asked a few more follow up questions, to which Mr. [DT] responded on November 28, 2017.

Exhibit 217 – Additional Email Questions and Responses

266. Regarding my responsiveness, Mr. [DT] stated the following during his interview:

> [A]: So after this point in time what kind of contact did you have with [M] [sic]?
>
> [DT]: Very sporadic and mostly me calling him and asking him to tell me what was going on. But most of those calls which I don't know, I made quite a number of them, there was no answer or it was just an answering machine or I'd get the secretary. They just referred me to his answering machine to leave a message.
>
> …
>
> [DT]: … And I had asked him to send me copies of the correspondence of his communications back and forth to the lawyer, I wanted to know where the settlements were with – with regard to the people. He kept telling me he would. On one occasion I was in his office and asked to have that. He told me he couldn't pull the file and give me copies of that 'cause it was away in storage somewhere so I couldn't take them with me that day but that he would his secretary have them ready for me the next week. And when I phoned they weren't there and I couldn't get a hold of Peter again.

Exhibit 215 – [DT] Interview (pp. 19-20)

267. Regarding opposing counsel,

a. On November 15, 2017, Mr. [BG] provided an email to LSA investigators in response to a question about file materials; and

Exhibit 218 – Email (Nov 15, 2017)

b. On November 29, 2017, they were interviewed by LSA investigators;

Exhibit 219 – Email (Nov 15, 2017)

268. Regarding me,

a. On October 12, 2017, I was interviewed by LSA investigators;

Exhibit 220 – Mawson Interview (Oct 12, 2017)

b. On October 25, 2017, the LSA investigator asked me some follow up questions, to which I responded on February 9, 2018; and

Exhibit 221 – Questions and Response

c. On January 15, 2018, I was provided with a copy of the Investigation Report, to which I responded on February 9, 2018.

Exhibit 222 – LSA Letter and Mawson Response (Feb 9, 2018)

4. Admissions of Guilt

Citation 21. Dismissal Application (August […], 2015)

269. I admit that I failed to provide competent, timely, conscientious, and diligent service to my Clients by failing to advise them of the Dismissal Application scheduled for August […], 2015, including the various adjournments, which is contrary to Rule 3.2-1 and Rule 3.2-3 of the *Code*.

Citation 22. Dismissal Application (November […], 2015)

270. I admit that I failed to provide competent, timely, conscientious, and diligent service to my Clients by,

a. Failing to obtain their instructions before the hearing of the Dismissal Application;

b. Advising Mr. [DT] that I would be filing an affidavit on my Clients behalf in support of an application for summary judgment;

c. Failing to advise them about the results of the hearing after the Dismissal Application; and

d. Failing to seek their instructions about how they wanted to proceed in light of the dismissal of their action;

all of which is contrary to Rules 3.2-1 and 3.2-3 of the *Code*.

Citation 23. Dismissal Order (November 16, 2015)

271. I admit that I failed to provide competent, timely, conscientious, and diligent service to my Clients by failing to provide my Clients with copies of the filed Order and Bill of Costs after service on me, which is contrary to Rules 3.2-1 and 3.2-3 of the *Code*.

Citation 24. Failure to Advance the Action

272. I admit that I failed to provide competent, timely, conscientious, and diligent service to my Clients by,

a. Failing to ensure that a step was taken in the litigation between June 28, 2012, and the date of filing of the Dismissal Application on August 5, 2015;

b. Failing to ascertain the true state of affairs about the missing payment of $50K, despite correspondence from my Clients seeking clarification on this point;

all of which is contrary to Rules 3.1-2 and 3.2-1 of the *Code*.

Citation 25. Failure to Be Candid with Opposing Counsel

273. I admit that I was not honest in my communications with opposing counsel, particulars of which include:

a. On August 13, 2015, when I asked for an adjournment of the Dismissal Application because my Clients had cancelled a meeting with me;

b. On August 20, 2015, when I advised opposing counsel that my Clients had instructed me to question the defendant's representative on his affidavit;

c. On October 8, 2015, when I advised opposing counsel that my Clients were not available for questioning;

d. On November 5, 2015, when I advised opposing counsel that my Clients were interested in seeing a proposed Consent Order;

e. On November 10, 2015, when I advised opposing counsel that my Clients had not given me with instructions to sign the Consent Order; and

f. On November 16, 2015, when I advised opposing counsel that my Clients had failed to provide me with instructions on the Dismissal Application;

all of which is contrary to Rules 2.1-1 and 7.2-2 of the *Code*.

Citation 26. Fake Letters

274. I admit that I fabricated correspondence to opposing counsel when I created three letters on August 6, 2015 and backdated them to March 10, 2014; April 14, 2014; and February 12, 2015, as well as two notes to file, to make it seem like I as moving the matter forward, all of which is contrary to Rule 2.1-1 of the Code.

Citation 27. Failure to be Candid with LSA

I admit that I failed in my duty to provide complete reply to the LSA when I denied having fabricated the letters in my interview with the LSA on October 12, 2017 and my Response to Investigation Report dated February 9, 2018, which is contrary to Rules 2.1-1 and 7.1-1.

MITIGATING CIRCUMSTANCES

275. On April 30, 2018, I provided the LSA with a report from a psychologist setting out some of the issues that I was dealing with at the time of the events described herein; and

Exhibit 223 – Psychologist Report (Apr 1, 2018)

276. On May 7, 2018, the Practice Management Department of the LSA produced a Follow-Up Practice Assessment Report.

Exhibit 224 – Follow-Up Practice Assessment Report (May 7, 2018)