

**IN THE MATTER OF PART 2 OF THE
LEGAL PROFESSION ACT, RSA 2000, c. L-8**

AND

**IN THE MATTER OF A SECTION 32 RESIGNATION APPLICATION
REGARDING LAURIE WOOD
A RETIRED MEMBER OF THE LAW SOCIETY OF ALBERTA**

Resignation Committee

Jim Lutz – Chair (Bencher)
Bud Melnyk – Committee Member (Bencher)
Barbara McKinley – Committee Member (Bencher)

Appearances

Shanna Hunka – Counsel for the Law Society of Alberta (LSA)
Simon Renouf, Q.C. – Counsel for Laurie Wood

Hearing Date

May 7, 2019

Hearing Location

800, 10104 – 103rd Avenue, Edmonton, Alberta

RESIGNATION COMMITTEE REPORT

Overview

1. Laurie Wood applied to resign as a member of the Law Society of Alberta (the “LSA”) pursuant to section 32 of the *Legal Profession Act*, RSA 2000, c. L-8 (the “LPA”).
2. Ms. Wood was called to the Bar in 1991. Ms. Wood permanently retired from the practice of law on September 5, 2018. This application to retire was granted on September 7, 2018 in a letter marked as Exhibit 1, Tab 9 of the materials provided in the Agreed Exhibit Book (Exhibit 1).
3. After a lengthy review of all the evidence, exhibits and argument by counsel for the LSA and counsel for Ms. Wood, the Committee dismissed the application to resign pursuant to section 32 and advised that lengthier written reasons would be provided. These are those reasons.

Preliminary Matters

4. The Committee's jurisdiction to hear this matter was confirmed with the filing on agreement of all parties of Exhibit 1, Tabs 1 and 2 of the Exhibit Book. There was no objection to the panel having jurisdiction to hear the matters. The Committee found it had jurisdiction to consider the matter.
5. No objection was taken as to the composition of the Committee.
6. The Committee noted that there were no applications to hold the hearing in private. Proper notice had been provided to interested parties. With no application for a private hearing being provided, the Committee declared the hearing to be a public hearing.
7. Mr. Renouf, on behalf of Ms. Wood, applied to the Committee to have the matter heard in the absence of Ms. Wood. Mr. Renouf relied on the evidence of [LB], Ms. Wood's [doctor], noting Ms. Wood was convalescing and had been retired since September 2018 (Exhibit 1, Tabs 4 and 10).
8. Ms. Hunka, counsel for the LSA, submitted the LSA was made aware of Mr. Renouf's application to have Ms. Wood excused and did not oppose the application based on [LB]'s medical evidence. The Committee agreed and the matter proceeded in the absence of Ms. Wood.
9. Counsel for Ms. Wood submitted the appropriate documentation for this application including:
 - a. Certificate of Status – Exhibit 1, Tab 4
 - b. Letter of Member's Discipline History – Exhibit 1, Tab 5
 - c. Application for Resignation – Exhibit 1, Tab 6
 - d. Statutory Declaration – Exhibit 1, Tab 7
 - e. Undertakings and Agreements – Exhibit 1, Tab 8
10. At the time of this application, Ms. Wood indicated she was aware of three claims filed against her (Exhibit 1, Tab 7, paragraph 6). Ms. Wood, as part of her resignation application, undertook to cooperate with Alberta Lawyers Insurance Association ("ALIA") to resolve the matters.
11. As part of the Agreed Exhibit Book, an Agreed Statement of Facts (the "ASOF") was filed and signed by Ms. Wood on May 2, 2019 (Exhibit 1, Tab 9).
12. At the time of this application, Ms. Wood faced 11 citations as set out in the ASOF (Exhibit 1, Tab 9, paragraph 8 (1-11)).

Agreed Statement of Facts

13. The Committee noted it was not tasked with making findings of facts based on the ASOF, however the ASOF did inform the Committee of the nature of the allegations for the purpose of its decision whether to grant the section 32 application.

14. In the ASOF, Ms. Wood deposed:

While I do not agree with the entirety of the contents and conclusions contained within the Investigation Report I nonetheless acknowledge that the Investigation Report raises a number of concerns about my involvement and conduct in connection with the various transactions detailed therein, including those described in this Statement of Facts
Exhibit 1, Tab 9, paragraph 73(l).

15. As an overview, the alleged conduct giving rise to Ms. Wood's section 32 application involves a number of areas of regulatory concern including:

1. Failing to comply with LSA trust accounting rules;
2. Misappropriation of funds;
3. Failing to supervise an individual who provided services to the law firm;
4. Allowing surreptitious recordings of telephone calls to and from her office;
5. Failing to be candid and cooperative with the LSA;
6. Rendering inappropriate billings to the Legal Aid Society of Alberta;
7. Failing to be candid with the Privacy Commission;
8. Failing to be candid with Alberta Employment Standards;
9. Submitting requests for restitution that were inaccurate;
10. Failing to protect client confidentiality;
11. Permitting the preparation, execution and filing of affidavits indicating an individual was an employee of Wood Law Office, then later claiming these were inaccurate.

Analysis

16. Under the LPA, a lawyer may apply to resign under either section 32 or section 61. The material distinction between these two sections is that pursuant to section 61, a lawyer's resignation amounts to a deemed disbarment. Under section 32, the application merely results in the resignation of the lawyer but is not deemed a disbarment.

17. In considering whether to accept the application for resignation under section 32, this Committee considered a number of factors including: (1) the nature of Ms. Wood's alleged conduct; (2) whether such conduct would likely result in disbarment if the matter proceeded to a hearing and the citations were proven, and; (3) the existence of other factors that would mitigate against disbarment. Central to the analysis was the overarching goal of maintaining public confidence in the legal profession. In other words, would the acceptance of an application to resign under section 32 be in the best interests of the public and in the interests of the reputation of the profession?

Submissions of the Parties

18. Mr. Renouf submitted Ms. Wood had undertaken to cooperate with the LSA and ALIA. Her files had all been completed and closed. Mr. Renouf noted Ms. Wood had closed her accounts and that in her 30 years of active practice had no disciplinary record and had positive involvement in the disciplinary process.
19. Mr. Renouf urged the Committee to view Ms. Wood's actions through the lens of the [medical] evidence submitted by [LB], which includes [...]. Ms. Wood's [...] condition was further complicated by [...]. Ms. Wood attended some 11 treatment sessions over a 20-month period, [...].
20. The Committee pressed counsel for Ms. Wood on issues concerning the [medical] evidence and how it should impact the Committee's view of the conduct in the citations. Mr. Renouf submitted [LB] was perhaps cautious about what he opined and was only working with the data that he had.
21. A review of the ASOF and the [...] evidence show a gap in time between the alleged misconduct and the beginnings of the diagnosis of the [...]. More specifically, some of the allegations precede the onset of [...]. Mr. Renouf submitted all that could be done was to try to extrapolate backwards and that obviously her condition was something that took some time to get to that point. Mr. Renouf described Ms. Wood's 30 years of practice as senior respected defence counsel and that her colleagues would be shocked to learn of the citations. It is submitted that Ms. Wood does not intend to ever resume practice [...]. Simply stated by Mr. Renouf "her legal career is over." In sum, Mr. Renouf submitted that based on all the facts, both in the test for a section 32 resignation and Ms. Wood's personal and professional circumstances, her application to resign ought to be granted.
22. Counsel for the LSA properly noted the application for a section 32 resignation is made by the lawyer, and the lawyer has the burden of proof. She noted that the LSA took no position as it neither consents nor opposes the application. The Committee questioned Ms. Hunka on why, in the face of a multitude of serious misconduct allegations, the LSA's "no position" submission could be seen as being in the public interest.
23. Counsel for the LSA submitted that a number of factors went into formulating its position, such as the cost of a hearing, a multitude of witnesses, credibility issues, Ms. Wood's personal and [medical] circumstances, and her cooperation in the discipline process.
24. The Committee took from these submissions that there is a concern that the misconduct alleged would not necessarily lead to Ms. Wood being disbarred. The Committee also considered Ms. Wood's conduct in light of decisions from other Resignation Committees, such as for Mohammad Moughel (*Law Society of Alberta v. Moughel*, [2019 ABLs 5](#) (CanLII)) and Toby Schultz (*Law Society of Alberta v. Schultz*, [2019 ABLs 7](#) (CanLII)).
25. The Committee accepts the LSA made a principled and realistic assessment of its position, including consideration of a potentially protracted hearing with obvious weaknesses that would most likely be highlighted by Mr. Renouf.

Decision

26. Considering the evidence from the hearing and the submissions of the parties, it is the Committee's decision that a section 32 resignation cannot be justified when considering the Committee's role in protecting the public and maintaining confidence in governance of the legal profession.
27. The Committee acknowledges Ms. Wood's 30 years of experience as a senior respected practitioner and her cooperation with the LSA, both within the discipline process and with the ongoing ALIA claims. However, the allegations of misconduct go to the very core of the public's reliance on and confidence in the legal profession.
28. Ms. Wood appears to be inconsistent in her acknowledgement of responsibility for some of the citations. Simply put, that is the reason for the hearing process, to prove what is provable and dismiss what is not provable.
29. Moreover, the [medical] evidence falls short of explaining the alleged misconduct or demonstrating to the Committee that, at the time the alleged misconduct occurred, Ms. Wood was labouring under these [medical] difficulties.
30. The Committee therefore determines that it is not in the best interest of the public to accept Ms. Wood's application to resign pursuant to section 32 of the LPA. Ms. Wood has not met her burden of proof to demonstrate that the resignation under this section is appropriate.
31. Though the Committee invited submissions by both parties on whether Ms. Wood would like to change this application into an application under section 61, the parties determined that consideration of that option could be left for another time. The Committee did offer to hear such an application if the parties desired, given its familiarity with the material.
32. The Committee reviewed the Estimated Statement of Costs (Exhibit 1, Tab 12) and the submissions of both counsel. The Committee determined that, prior to any application for reinstatement or prior to any application to be relieved of her undertakings, Ms. Wood must first pay costs in the amount of \$46,174.58.

Concluding Matters

33. The Committee would like to commend counsel for not only being thoroughly prepared, but also for the quality of their submissions.
34. The exhibits and this report, except for Exhibit 1, Tab 10 ([medical] Assessment), will be available for public inspection, including the provision of copies of exhibits for a reasonable copy fee, except that identifying information in relation to persons other than Ms. Wood will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

35. A Notice to the Profession will not be issued.
36. A Notice to the Attorney General is not required.

Dated at Edmonton, Alberta, May 22, 2019.

Jim Lutz

Bud Melnyk

Barbara McKinley