

**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 MEMBER OF THE LAW SOCIETY OF ALBERTA**

Resignation Committee

Jim Lutz – Chair

Bud Melnyk – Resignation Committee Member

Barbara McKinley – Resignation Committee Member

Appearances

Shanna Hunka – Counsel for the Law Society of Alberta (LSA)

Simon Renouf, Q.C. – Counsel for Laurie Wood

Hearing Date

October 9, 2019

Hearing Location

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

RESIGNATION COMMITTEE REPORT

1. Laurie Wood was admitted to the LSA on July 29, 1991. She practiced mainly in the area of criminal law. Ms. Wood retired from the practice of law and was granted permission to do so on September 7, 2018. Ms. Wood faces 13 outstanding discipline matters before the LSA and has applied to resign as a member of the LSA pursuant to section 32 of the *Legal Profession Act*, R.S.A. 2000, c.L-8 (the *Act*).
2. Ms. Wood signed an Undertaking and Agreement to cooperate with the LSA and insurer regarding any outstanding claims. She has undertaken not to practice law, perform any paralegal duties or employ students. Moreover, she has undertaken not to apply for readmission to the LSA without payment of the costs set out in the Estimated Statement of Costs unless an application for relief is filed and approved.
3. At the time of the hearing, Ms. Wood had no discipline record.
4. After reviewing all of the evidence and exhibits and hearing submissions by both counsel for the LSA and by counsel for Ms. Wood, the Committee granted the application to resign as a member of the LSA pursuant to section 32 of the *Act*.

5. In addition, the Committee approved and ordered payment of costs as set out in the Estimated Statement of Costs prior to any application to be relieved of her undertaking. Ms. Wood would be required to pay \$54,784.58.

Preliminary Matters

6. The Committee's jurisdiction was confirmed by: Exhibit 1, the Notice of Appointment; Exhibit 2, the Notice to Attend; Exhibit 3, Letter of Exercise of Discretion; and Exhibit 4, the Member's Certificate of Status. The Committee found it had jurisdiction to consider the application.
7. No objection was taken to the composition of the Committee. In fact, the parties requested that the members of this Committee, which had heard a previous resignation application by Ms. Wood, also hear this new application by Ms. Wood.
8. The Committee noted that there were no applications to hold the hearing in private. Proper notice had been provided to interested parties. Accordingly, the Committee declared the hearing to be a public hearing.
9. Mr. Renouf, Q.C., 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 Dr. LB, Ms. Wood's [doctor], noting Ms. Wood was convalescing and had been retired since September 2018 (Exhibit 1, Tabs 4 and 10).
10. 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 Dr. LB's medical evidence. The Committee agreed and the matter proceeded in the absence of Ms. Wood.
11. Counsel agreed Exhibits 1-12 would be admitted into the record. These included the following in addition to Exhibits 1-4 in paragraph 6 (*supra*):
 - Exhibit 5 – Ms. Wood's Record;
 - Exhibit 6 – Application to Resign;
 - Exhibit 7 – Statutory Declaration of Ms. Wood;
 - Exhibit 8 – Undertakings and Agreement;
 - Exhibit 9 – Admitted Statement of Facts with Exhibits A-F;
 - Exhibit 10 – Medical Report from physician;
 - Exhibit 11 – This Exhibit was left blank; and
 - Exhibit 12 – Estimated Statement of Costs.

Agreed Statement of Facts

12. Counsel referred the Committee to Exhibit 9, which contained additional material than had been submitted in the prior resignation application. Specifically, Mr. Renouf directed the Committee to an extensive [medical] report. The second document dealt extensively with Ms. Wood's further admissions concerning her involvement and role in the ongoing investigations. We note that two further investigation files were opened concerning Ms. Wood. The two new matters concern a builder's lien matter and Ms. Wood's business involvement with a complaint regarding a business relationship. Ms. Wood has undertaken to cooperate with the LSA.

13. The issue to be determined by this Committee was whether it is in the best interests of the public to permit Ms. Wood to resign pursuant to section 32 in the face of serious unresolved conduct matters. Under the *Act*, a lawyer may apply to resign under either section 32 or section 61. There are material distinctions between these applications. Pursuant to section 61 of the *Act*, the lawyer's resignation amounts to a deemed disbarment if accepted. Under section 32 of the *Act*, the application is one of resignation.
14. As an overview, the alleged conduct giving rise to Ms. Wood's section 32 application involves a number of areas 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 Commissioner;
 8. Failing to be candid with Alberta Employment Standards;
 9. Submitting requests for restitution that were inaccurate;
 10. Failing to protect client confidentiality; and
 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

15. 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.
16. 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.
17. In addition, the Committee considered the amended Agreed Statement of Facts. The Committee also reviewed Exhibit 9, which provided an extensive and detailed [medical] report from Dr. S (Exhibit 9, Tab F (redacted)).
18. The report of Dr. S provided the Committee extensive background outlining Ms. Wood's upbringing. The report also covers in great detail the period of time in Ms. Wood's [health] history when citations began.
19. Mr. Renouf, on behalf of Ms. Wood, also noted the continuing therapeutic relationship Ms. Wood maintains with [...]. He submitted that the Committee should accept the application for resignation by Ms. Wood.

20. Ms. Hunka, on behalf of the LSA, submitted that considering the totality of the evidence, the extensive revisions to the admissions made by Ms. Wood since the last application, and when viewed in the context of the further medical evidence of Dr. S, the LSA supported the Ms. Wood's application, which it was previously unable to do.
21. Ms. Hunka assured the Committee that if the application was not granted for Ms. Wood's resignation, the LSA was more than prepared to maintain the prosecution and call evidence.
22. Both counsel submit that on the balance of probabilities, Ms. Wood has met her burden for resignation. Mr. Renouf submitted the application was a true joint submission.

Decision

23. In considering the Committee's role and the decision before us, we took account of the nature of Ms. Wood's conduct and whether it would likely lead to disbarment if the matter were to proceed to a hearing, as well as whether the citations could be proven.
24. When reviewing all of the material before us, we note that, even if all of the citations were proven, it would be unlikely that Ms. Wood would be disbarred, given her 30 years of service to the profession and the community.
25. We have also considered Rule 92(10) to determine whether there are reasonable grounds to believe that Ms. Wood has committed a criminal offence. When viewed through a regulatory lens, the citations in many instances were not pursued by the regulatory bodies. Moreover, Ms. Hunka very fairly conceded some of the citations may be easily proved yet some are not so easily proven. Further, given that the time frame of the citations commenced in 2011, there would be obvious challenges in proving the citations.
26. We also consider Ms. Wood's ongoing cooperation with the LSA as well as the extensive medical evidence that bridges the gap between the allegations of misconduct and Ms. Wood's previously unblemished record of service.
27. Most importantly, we give effect to the joint submission made by two very experienced counsel. The Supreme Court of Canada in *R. v. Anthony-Cook* [2016] 2 S.C.R. 204 at paragraph 32 notes;

Under the public interest test, a trial Judge should not depart from a joint submission on sentence unless the proposed sentence would bring the administration into disrepute or is otherwise contrary to the public interest.
28. With this direction in mind, the fundamental issue for this Committee is whether it is in the best interest of the public and of the profession to permit Ms. Wood to resign prior to the resolution of outstanding conduct matters.
29. We conclude it is the best interest of both the public and profession to grant Ms. Wood's application to resign. We grant her application to resign as a Barrister and Solicitor from

the LSA pursuant to section 32 of the *Act*. We are indebted to both counsel for their deft handling of the application.

Concluding Matters

30. This report and the exhibits, with the exception of Tab F of Exhibit 9 and Exhibit 10, 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)).
31. The Estimated Statement of Costs marked as Exhibit 12 is approved. Ms. Wood must pay these costs prior to any application to be relieved of her undertaking to reapply for admission.
32. There will be a Notice to the Profession.
33. There will be no referral to the Attorney General.

Dated December 10, 2019.

Jim Lutz, Chair

Bud Melnyk – Appeal Panel Member

Barbara McKinley – Appeal Panel Member