

**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 LEONARD THOM
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Hearing Committee

Corinne Petersen, QC – Chair
Nate Whitling, QC – Bencher
Martha Miller – Public Adjudicator

Appearances

Kelly Tang – Counsel for the Law Society of Alberta (LSA)
Leonard Thom – self-represented

Hearing Date

January 3, 2020

Hearing Location

401,10104 - 103 Avenue, Edmonton, Alberta

HEARING COMMITTEE REPORT – SANCTION PHASE

Overview

1. Leonard Thom was admitted as a member of the Law Society of Alberta (LSA) July 23, 1992. His current status is “retired.” A hearing arose following a complaint by a former Legal Aid client, which resulted in two citations.
2. After a hearing on August 23, 2019 and for the reasons set out in its decision dated November 4, 2019, the Hearing Committee (Committee) found Leonard Thom guilty of conduct deserving of sanction in relation to both sanctions.
3. After reviewing all of the evidence and exhibits, and hearing the testimony and arguments of the LSA and Mr. Thom, for the reasons set out below, the Committee found that, based on the facts of this case, the appropriate sanction was a reprimand. In accordance with section 72 of the *Act*, the Committee ordered Mr. Thom be reprimanded.
4. In addition, pursuant to subsection 72(2) of the *Act*, the Committee ordered costs of \$2,388.75 payable within 30 days.

5. The decision and the reprimand were delivered orally at the conclusion of the sanction hearing, with written reasons to follow. This report contains those reasons.

Preliminary Matters

6. As noted in the decision on the merits, cited above, there were no objections to the constitution of the Committee or its jurisdiction, and a public hearing proceeded. No objections or private hearing applications were made during the sanction phase of the hearing, so the hearing continued before this Committee in public.
7. After the sanction hearing concluded, in which an oral decision was rendered, but prior to these written reasons being issued, Mr. Whitting was appointed to the Court of Queen's Bench of Alberta. Pursuant to section 66 of the *Legal Profession Act*, the remaining two members of the Committee continued to issue these reasons.

Submissions on Sanction

8. The facts related to the sanctionable conduct are set out in the Committee's decision on the merits. This phase of the hearing was to consider the appropriate sanction for that conduct.
9. The LSA and Mr. Thom jointly submitted that the appropriate sanction for the conduct giving rise to the finding of guilt by the Committee would be a reprimand.

Analysis and Decision on Sanction

10. The Committee is not bound by a joint submission on sanction. However, it should give serious consideration to a joint submission, should not lightly disregard it and should accept it unless it is unfit or unreasonable, contrary to the public interest, or there are good and cogent reasons for rejecting it (*Rault v. Law Society of Saskatchewan*, 2009 SKCA 81 (CanLII)). Applying this standard, the Committee did not find any basis to depart from the sanction proposed by the parties in this case.
11. This Committee found the joint submission on sanction to be reasonable and appropriate in the circumstances. In reaching this conclusion, the Committee has considered that Mr. Thom is now retired after practicing 27 years with no prior disciplinary record, there were no serious consequences to the public, and there was no financial loss to his former client or the lawyer who imposed the trust condition.
12. The following reprimand was delivered to Mr. Thom at the hearing (slightly edited):

The Hearing Guide of the Law Society requires that Hearing Committees take a purposeful approach to sanctioning a member who has been found guilty of conduct deserving of sanction. The fundamental purpose of sanctioning is the protection of the best interests of the public and the protection of the reputation and standing

of the legal profession generally. Mr. Thom, we acknowledge your co-operation with the Law Society leading up to today. Your admissions of the facts have permitted these citations to be resolved on a more efficient basis, which is not just a benefit to you, but is a benefit to the public and to the Law Society.

Mr. Thom, you are an experienced lawyer, having practiced for over 27 years. You have had a long and principled career and have made significant contributions to the administration of justice in Alberta. Your career has been exemplary until these citations. I expect that facing these citations now, at the end of your career, is a disappointment. You have been found guilty on two citations. While there were no serious consequences to the public and there was no loss, you breached a trust condition, which is always a serious offence; you failed to acknowledge, recognize and rectify the breach; and there was inexcusable delay in returning the file to your former client, all of which resulted in a complaint, an investigation and a hearing.

You put your professional reputation and integrity at risk and your client's interests at risk. In making these comments and in expressing this reprimand today, we urge you to carefully consider the integrity required of all of us as members of this profession and the diligence that we all must demonstrate to protect our clients' interests and to maintain our reputation and the reputation of this profession.

In concluding, we wish you the best in your retirement. Thank you for your attendance today.

Concluding Matters

13. Mr. Thom was required to pay costs in the amount of \$2,388.75 within 30 days.
14. The exhibits, other hearing materials, and this report will be available for public inspection, including providing copies of exhibits for a reasonable copy fee, except that identifying information in relation to persons other than Mr. Thom will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).
15. No Notice to the Profession or to the Attorney General was ordered in this case.

Dated at Edmonton, Alberta, April 1, 2020.

Corinne Petersen, QC

Martha Miller