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**Law Society of Alberta**

www.lawsociety.ab.ca

## HEARINGS SCHEDULED TO February 7, 2011

(Updated on: April 28, 2010)

*Please note: Hearing dates are accurate as of the date noted above and are subject to change.  
Please contact the Law Society Communications Department to confirm.*

### **Law Society Counsel:**

**Ms. Janet L. Dixon, QC**

The Law Society of Alberta  
Scotia Place Tower 2  
201, 10060 Jasper Avenue  
Edmonton, Alberta T5J 3R8  
Telephone: (780) 429-3343

**Mr. Garner Groome**

The Law Society of Alberta  
500, 919 – 11<sup>th</sup> Avenue SW  
Calgary, Alberta T2R 1P3  
Telephone: (403) 229-4700

**Mr. Lindsay MacDonald, QC**

Bankers Hall West Tower  
888 - 3<sup>rd</sup> Street SW, Suite 1000  
Calgary, AB T2P 5C5  
Telephone: (403) 803-2139

**Ms. Lois J. MacLean**

de Villars Jones  
300 Noble Building  
8540 – 109<sup>th</sup> Street  
Edmonton, Alberta T6G 1E6  
Telephone: (780) 433-9000

**Ms. Molly Naber-Sykes**

The Law Society of Alberta  
500, 919 – 11<sup>th</sup> Avenue SW  
Calgary, Alberta T2R 1P3  
Telephone: (403) 229-4700

### **Hearing Locations:**

**The Law Society of Alberta  
ATCO Tower II  
500, 919 – 11<sup>th</sup> Avenue SW  
Calgary, Alberta T2R 1P3  
Telephone: (403) 229-4700**

**The Law Society of Alberta  
Scotia Place Tower 2  
201, 10060 Jasper Avenue  
Edmonton, Alberta T5J 3R8  
Telephone: (780) 429-3343**

**1. Nicky Davis – Calgary**

Represented by: Self-Represented

Law Society counsel: Lindsay MacDonald, QC

Time and Place: The Law Society of Alberta – Calgary  
**May 12 & 13, 2010**  
**Commencing at 9:30 a.m. each day**

Citations:

1. It is alleged that you failed to serve your clients in that you failed to render competent and timely services to the clients, and that such conduct is conduct deserving of sanction.
2. It is alleged that you failed to implement your client's instructions and that you failed to keep your clients informed as to the progress of the file, and that such conduct is conduct deserving of sanction.
3. It is alleged that you failed to be punctual in fulfilling commitments made to your clients and you failed to respond on a timely basis to your clients, and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to be candid, and that such conduct is conduct deserving of sanction.
5. It is alleged that you failed to provide your clients with written information regarding fees and disbursements, and that such conduct is conduct deserving of sanction.

**2. David McBean – Calgary**

Represented by: Gregory Rodin  
Rodin Law Firm  
1405 - 2<sup>nd</sup> Street SW  
Calgary, AB T2R 0W7  
Telephone: (403) 216-0385

Law Society counsel: Molly Naber-Sykes

Time and Place: The Law Society of Alberta – Calgary  
May 20, 2010 – 9:30 a.m.

Citations:

1. It is alleged that you failed to file the annual Forms S and T for 2006 to 2008 and failed to file Form T for 2004 and 2005 in breach of the Rules of the Law Society of Alberta, and that such conduct is conduct deserving of sanction.

2. It is alleged that you failed to respond to the Law Society on a timely basis and in a complete and appropriate manner regarding the matters contained in Citation 1, and that such conduct is conduct deserving of sanction.
3. It is alleged you failed to follow the accounting rules of the Law Society of Alberta, and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to respond to the Law Society on a timely basis and in a complete and appropriate manner regarding the matters contained in Citation 3, and that such conduct is conduct deserving of sanction.

**3. Christian S. Ouellette – Calgary**

Represented by: Stew Baker, QC  
Duncan & Craig LLP  
2800 Scotia Place  
10060 Jasper Avenue  
Edmonton, AB T5J 3V9  
Telephone: (780) 428-6036

Law Society counsel: Garner Groome

Time and Place: The Law Society of Alberta – Calgary  
**May 20, 2010**  
**Commencing at 9:30 a.m. each day**

Citations:

1. It is alleged that you paid yourself from funds you were holding in trust on behalf of your former client, H.R. also known as H.D., without a court order or agreement of counsel for F.D., and that such conduct is conduct deserving of sanction.

**4. Garth Bailey – Calgary**

Represented by: James B. Rooney, QC  
Fraser Milner Casgrain LLP  
Bankers Court  
15<sup>th</sup> Floor, 850 - 2<sup>nd</sup> Street SW  
Calgary, AB T2P 0R8  
Telephone: (403) 268-7000

Law Society counsel: Janet Dixon, QC

Time and Place: The Law Society of Alberta – Calgary  
**May 25, 2010**  
**Commencing at 9:30 a.m.**

Citations:

1. It is alleged that you conducted yourself in such a way as to prevent the Law Society from regulating you as a member of the Law Society of Alberta, by

refusing to be interviewed and refusing to cooperate with the investigation, and that such conduct is conduct deserving of sanction.

2. It is alleged that you deliberately or through incompetence, facilitated a client to achieve or seek to achieve an improper objective, and that such conduct is conduct deserving of sanction.
3. It is alleged that you failed to follow accounting rules in a reckless and incompetent manner, and that such conduct is conduct deserving of sanction.
4. It is alleged that you incompetently or recklessly handled trust funds, thereby placing the public at risk, and that such conduct is conduct deserving of sanction.
5. It is alleged that you issued letters that were inaccurate and misleading, and that such conduct is conduct deserving of sanction.

## 5. **Christine Goodwin – Calgary**

Represented by: Self-Represented

Law Society counsel: Janet Dixon, QC

Time and Place: The Law Society of Alberta – Calgary  
**May 25, 2010**  
**Commencing at 1:00 p.m.**

Citations:

1. It is alleged that you failed to follow the conditions of the Trust Agreement by failing to invest \$25,000 of Mr. A's money with a licensed investment agency, or maintain the money in trust, and you misled Mr. A when you used the funds to pay your firm's operating debts, and that such conduct is conduct deserving of sanction.
2. It is alleged that you entered into a business transaction with Mr. A and failed to advise him to seek independent legal advice, and that such conduct is conduct deserving of sanction.
3. It is alleged that you failed to notify the Law Society of your representative capacity to Mr. A in breach of the Rules, and that such conduct is conduct deserving of sanction.
4. It is alleged that you misappropriated or wrongfully converted \$25,000 of Mr. A's money by using the money to pay the general operating debts of your law practice, and that such conduct is conduct deserving of sanction.
5. It is alleged that you failed to use reasonable efforts to ensure that Mr. A understood the contents of the Trust Agreement and the Investment Agreement he entered into, and that such conduct is conduct deserving of sanction.
6. It is alleged that you misappropriated or wrongfully converted \$10,714.01 of Ms. B's money, and that such conduct is conduct deserving of sanction.

7. It is alleged that you entered into business transactions with Ms. B. and failed to advise her to seek independent legal advice, and that such conduct is conduct deserving of sanction.
8. It is alleged that you misled or attempted to mislead the Law Society Investigator, and that you failed to respond to the Investigator and the Custodian of your practice in a complete and appropriate manner, and that such conduct is conduct deserving of sanction.
9. It is alleged that you failed to provide a client with written information regarding your fees and disbursements within a reasonable time period, and that such conduct is conduct deserving of sanction.
10. It is alleged that you made remarks about Mr. Hoag that were unfair, inaccurate and discourteous, and that such conduct is conduct deserving of sanction.
11. It is alleged that you failed to properly supervise your staff, and that such conduct is conduct deserving of sanction.

#### **6. John Lefebvre – Calgary**

Represented by: Tim Meagher  
Machida Mack Shewchuk Meagher LLP  
1300, 707 - 7 Avenue S.W.  
Calgary, AB T2P 3H6  
Telephone: (403) 221-8333

Law Society counsel: Garner Groome

Time and Place: The Law Society of Alberta – Calgary  
**May 26, 2010**  
**Commencing at 9:30 a.m.**

Citations:

1. It is alleged that you failed to report an offence as required by Rule 105 of the Rules of the Law Society of Alberta, and that such conduct is conduct deserving of sanction.

#### **7. Kenneth Rusnak – Edmonton**

Represented by: Stew Baker  
Duncan & Craig LLP  
2800 Scotia Place  
10060 Jasper Avenue  
Edmonton, AB T5J 3V9  
Telephone: (780) 428-6036

Law Society counsel: Lindsay MacDonald, QC

Time and Place: The Law Society of Alberta – Edmonton

**May 26 - 28, 2010**  
**Commencing at 9:30 a.m. each day**

Citations:

1. It is alleged that you misappropriated trust funds, and that such conduct is conduct deserving of sanction.
2. It is alleged that you deliberately or through incompetence facilitated a client to achieve an improper purpose, and that such conduct is conduct deserving of sanction.
3. It is alleged that you failed to cooperate with the Law Society, and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to serve your clients in a conscientious, diligent and efficient manner, and that such conduct is conduct deserving of sanction.
5. It is alleged that you failed to follow accounting rules, and that such conduct is conduct deserving of sanction.

## 8. Peter Crisfield – Calgary

Represented by: Robert Maxwell  
Fasken Martineau DuMoulin LLP  
3400 First Canadian Centre  
350 - 7th Avenue S.W.  
Calgary, AB T2P 3N9  
Telephone: (403) 261-5350

Law Society counsel: Garner Groome

Time and Place: The Law Society of Alberta – Calgary  
**June 1 & 2, 2010**  
**Commencing at 9:30 a.m. each day**

Citations:

1. It is alleged that you failed to serve your client, G.T., in that you failed to render competent and timely services to G.T. and resolutely advance G.T.'s case, and that such conduct is conduct deserving of sanction.
2. It is alleged that you failed to implement your client G.T.'s instructions and failed to keep him informed as to the progress of his file, and that such conduct is conduct deserving of sanction.
3. It is alleged that you failed to be punctual in fulfilling commitments made to your client, G.T., and you failed to respond on a timely basis to your client, G.T., and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to be candid with and failed to respond to an opposing party, S..., and you misled S... and failed to correct the misapprehension, and that such conduct is conduct deserving of sanction.
5. It is alleged that you misled your client, G.T., and that such conduct is conduct deserving of sanction.

## 9. Michael Swanson – Calgary

Represented by: Graham Price, QC  
Machida Mack Shewchuk Meagher LLP  
1300, 707 - 7 Avenue S.W.  
Calgary, AB T2P 3H6  
Telephone: (403) 221-8333

Law Society counsel: Garner Groome

Time and Place: The Law Society of Alberta – Calgary  
**June 8, 2010**  
**Commencing at 9:30 a.m.**

Citations:

1. It is alleged that you engaged in conduct which impaired your ability to provide competent services to your clients, and that such conduct is conduct deserving of sanction.
2. It is alleged that you acted in matters while incompetent, and that such conduct is conduct deserving of sanction.
3. It is alleged that you failed to be candid with members of your firm and others, and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to serve your clients, and failed to respond to your clients and to other members of the Law Society, and that such conduct is conduct deserving of sanction.
5. It is alleged that you failed to cooperate with and be candid with the Law Society, and that such conduct is conduct deserving of sanction.

**10. Susan Hendricks – Calgary**

Represented by: C. John Hooker  
Barrister & Solicitor  
410 - 6<sup>th</sup> Street SW  
Calgary, AB T2P 1X2  
Telephone: (403) 262-7722

Law Society counsel: Janet Dixon, QC

Time and Place: The Law Society of Alberta – Calgary  
**June 9, 2010**  
**Commencing at 9:30 a.m.**

Citations:

1. It is alleged that you failed to be courteous and candid in your dealings with others, and that such conduct is conduct deserving of sanction.
2. It is alleged that you failed to comply with the direction of a Hearing Committee, and that such conduct is conduct deserving of sanction.
3. It is alleged that you failed to respond in a timely and complete and appropriate manner to communication from the Law Society that contemplated a reply, and that such conduct is conduct deserving of sanction.

**11. Joginder Kandola – Edmonton**

Represented by: Self-Represented  
Law Society counsel: Lindsay MacDonald, QC  
Time and Place: The Law Society of Alberta – Edmonton  
**June 9 & 10, 2010**  
**Commencing at 9:30 a.m. each day**

Citations:

1. It is alleged that you failed to perform undertakings in a timely fashion and that such conduct is deserving of sanction.
2. It is alleged that you failed to respond to communications from another lawyer in a timely fashion and that such conduct is deserving of sanction.
3. It is alleged that you failed to respond to communications from the Law Society as requested and in a thorough and responsive manner and that such conduct is deserving of sanction.

**12. Ming Fong – Calgary**

Represented by: Tim Meagher  
Machida Mack Shewchuk Meagher LLP  
1300, 707 - 7 Avenue S.W.  
Calgary, AB T2P 3H6  
Telephone: (403) 221-8333  
Law Society counsel: Molly Naber-Sykes  
Time and Place: The Law Society of Alberta – Calgary  
**June 10 & 11, 2010**  
**Commencing at 9:30 a.m. each day**

Citations:

1. It is alleged that you breached the trust condition imposed on you by opposing counsel to provide a clear copy of title, and that such conduct is conduct deserving of sanction.
2. It is alleged that you failed to respond to opposing counsel on a timely basis, and that such conduct is conduct deserving of sanction.
3. It is alleged that you were in a conflict of interest or potential conflict of interest and failed to obtain the necessary consent permitting you to act on behalf of the vendor, and the buyer, and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to obtain instructions from your client, the buyer, and that such conduct is conduct deserving of sanction.

5. It is alleged that you implemented instructions from the vendor that were contrary to professional ethics, and that such conduct is conduct deserving of sanction.
6. It is alleged that you failed to fulfill your commitments to your client, and that such conduct is conduct deserving of sanction.
7. It is alleged that you failed to respond to communications from your client that contemplated a reply, and that such conduct is conduct deserving of sanction.
8. It is alleged that you failed to ensure the buyer was fully informed as to the progress of the transaction, and that such conduct is conduct deserving of sanction.
9. It is alleged that you failed to respond to communications from the buyer's subsequent counsel that contemplated a reply, and that such conduct is conduct deserving of sanction.
10. It is alleged that you failed to respond on a timely basis and in a complete and appropriate manner to communications from the Law Society that contemplated a reply, and that such conduct is conduct deserving of sanction.

**13. Shelley Phillips – Calgary**

Represented by: Self-Represented

Law Society counsel: Molly Naber-Sykes

Time and Place: The Law Society of Alberta – Calgary  
**June 16 – 18, 2010**  
**Commencing at 9:30 a.m. each day**

Citations:

1. It is alleged that you failed to report your criminal matters to the Law Society and thereby breached the requirements of Rule 105 of the Rules of the Law Society, and that such conduct is conduct deserving of sanction.
2. It is alleged that you engaged in conduct that impaired your capacity to provide competent service, and that such conduct is conduct deserving of sanction.
3. It is alleged that you engaged in conduct that brings discredit to the profession, and that such conduct is conduct deserving of sanction.

**14. Wayne Ledrew – Edmonton**

Represented by: Stewart G. Baker  
Duncan & Craig LLP  
2800 10060 Jasper Avenue  
Edmonton AB T5J 3V9  
Telephone: (780) 428-6036

Law Society counsel: Lois MacLean

Time and Place: The Law Society of Alberta – Edmonton  
**June 17, 2010 / September 27, 2010 (Sanctioning)**  
**Commencing at 9:30 a.m.**

Citations:

1. It is alleged that you failed to follow the accounting rules of the Law Society of Alberta, and that such conduct is conduct deserving of sanction.
2. It is alleged that you breached an undertaking to discharge a mortgage, and that such conduct is conduct deserving of sanction.
3. It is alleged that you collected GST and then failed to file returns or pay remittances, and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to serve your client in a conscientious, diligent and efficient manner, and that such conduct is conduct deserving of sanction.
5. It is alleged that you failed to respond to the Law Society of Alberta on a timely basis, and in a complete and appropriate manner, and that such conduct is conduct deserving of sanction.
6. It is alleged that you failed to respond to communications from the Practice Review Committee, and that such conduct is conduct deserving of sanction.
7. It is alleged that you failed to respond to the Law Society of Alberta, and that such conduct is conduct deserving of sanction.

**15. Charles Fair – Calgary**

Represented by: James B. Rooney, QC  
Fraser Milner Casgrain LLP  
Bankers Court  
15<sup>th</sup> Floor, 850 - 2<sup>nd</sup> Street SW  
Calgary, AB T2P 0R8  
Telephone: (403) 268-7000

Law Society counsel: Garner Groome

Time and Place: The Law Society of Alberta – Calgary  
**June 22 & 23, 2010**  
**Commencing at 9:30 a.m. each day**

Citations:

1. It is alleged that you failed to transfer the file of your clients, B.O and P.M., on a timely basis and you failed to cooperate with successor counsel, and that such conduct is conduct deserving of sanction.
2. It is alleged that you disclosed confidential information of your clients, B.O. and P.M., and that such conduct is conduct deserving of sanction.

3. It is alleged that you breached the Law Society accounting rules, and that such conduct is conduct deserving of sanction.

## 16. Ernst Homberg – Calgary

Represented by: Tim Meagher  
Machida Mack Shewchuk Meagher LLP  
1300, 707 - 7 Avenue S.W.  
Calgary, AB T2P 3H6  
Telephone: (403) 221-8333

Law Society Counsel: Molly Naber-Sykes

Time and Place: The Law Society of Alberta – Calgary  
**June 24 & 25, 2010**  
**Commencing at 9:30 a.m. each day**

### Citations:

1. It is alleged that you practised law in British Columbia when you were not entitled to do so, and that such conduct is conduct deserving of sanction;
2. It is alleged that you made misrepresentations to the Law Society of British Columbia, and that such conduct is conduct deserving of sanction;
3. It is alleged that you made misrepresentations to the Court, and that such conduct is conduct deserving of sanction;
4. It is alleged that you made misrepresentations to other counsel in British Columbia, and that such conduct is conduct deserving of sanction.

## 17. Arthur Tralenberg – Edmonton

Represented by: Peter J. Royal, QC  
Royal Teskey  
200, 9636 102A Avenue  
Edmonton, AB T5H 0G5 Law Society counsel:  
Lois MacLean

Time and Place: The Law Society of Alberta – Edmonton  
**June 29 & 30, 2010**  
**Commencing at 9:30 a.m. each day**

### Citations:

1. It is alleged that on February 11, 2008 you made a statement concerning the complainant before the Honourable Judge Mitchell and the remainder of the Court which was discourteous, and that such conduct is conduct deserving of sanction.
2. It is alleged that on February 28, 2008 on the Wetaskiwin court house steps you made statements concerning the complainant and/or the Honourable Judge Gaede which were discourteous and which were made in a manner that brought

discredit to the profession, and that such conduct is conduct deserving of sanction.

3. It is alleged that on February 28, 2008 in court in Wetaskiwin you made statements to the complainant which were discourteous, and which were made in a manner that brought discredit to the profession, and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to respond to communications from the Law Society that contemplated a reply, and that such conduct is conduct deserving of sanction.
5. It is alleged that you acted for a client while in a conflict of interest, and that such conduct is conduct deserving of sanction.
6. It is alleged that you misled or sought to mislead the Court in relation to the issue of whether you were acting in a conflict of interest, and that such conduct is conduct deserving of sanction.
7. It is alleged that you failed to serve your client in a diligent, efficient and conscientious manner by continuing to act while in a conflict of interest, and that such conduct is conduct deserving of sanction.
8. It is alleged that you failed to respond to the Law Society of Alberta in a timely manner to communications that contemplated a reply, and that such conduct is conduct deserving of sanction.
9. It is alleged that you failed to be courteous to Crown Counsel, and that such conduct is conduct deserving of sanction.
10. It is alleged that you failed to serve your client in a conscientious, diligent and efficient manner, and that such conduct is conduct deserving of sanction.
11. It is alleged that you brought the profession into disrepute by failing to appear in court even after being directed by the Court to appear, and that such conduct is conduct deserving of sanction.
12. It is alleged that you failed to make reasonable efforts to expedite the litigation process, and that such conduct is conduct deserving of sanction.
13. It is alleged that you failed to be courteous and respectful to the Court, and that such conduct is conduct deserving of sanction.

**18. Grant Nickless – Edmonton**

Represented by: Laura K. Stevens, QC  
Dawson Stevens & Shaigec  
300 9924 106 Street  
Edmonton AB T5K 1C4  
Telephone: (780) 424-9058

Law Society counsel: Garner Groome

Time and Place: The Law Society of Alberta – Edmonton  
**July 6, 2010**

**Commencing at 9:30 a.m. each day**

Citations:

1. It is alleged that you are or were addicted to drugs and that you subsequently engaged in criminal conduct and your addiction otherwise impaired your capacity or motivation to provide competent services, and that such conduct is conduct deserving of sanction.
2. It is alleged that you are or were addicted to drugs and that you engaged in bizarre public behaviour at the Fort McMurray courthouse and your addiction otherwise impaired your capacity or motivation to provide competent services, and that such conduct is conduct deserving of sanction.
3. It is alleged that you were less than candid in your initial response to the Law Society in the matter of a complaint by Crown Counsel Anders Quist, and that such conduct is conduct deserving of sanction.
4. It is alleged that you are or were addicted to drugs and that as a result you engaged in inappropriate courtroom behaviour before the Provincial Court of Alberta, and your addiction otherwise impaired your capacity or motivation to provide competent services, and that such conduct is conduct deserving of sanction.
5. It is alleged that you were less than candid in your initial response to the Law Society in the matter of a complaint made by Crown Counsel Bart Rosborough, QC, and that such conduct is conduct deserving of sanction.
6. It is alleged that you are or were addicted to drugs and that as a result you engaged in inappropriate courtroom behaviour before the Court of Queen's Bench of Alberta and elsewhere in the Calgary courthouse, and your addiction otherwise impaired your capacity or motivation to provide competent services, and that such conduct is conduct deserving of sanction.
7. It is alleged that you were less than candid in your initial response to the Law Society in the matter of a complaint by Crown Counsel Sylvia Kasper, QC and Patricia Yelle, QC, and that such conduct is conduct deserving of sanction.
8. It is alleged that you failed to properly handle the trust funds of your client R.W., thereby breaching Rule 123 of the Rules of the Law Society of Alberta, and that such conduct is conduct deserving of sanction.
9. It is alleged that you failed to provide to your client R.W. appropriate information concerning your fees and disbursements, and that such conduct is conduct deserving of sanction.
10. It is alleged that you overcharged your client R.W. for disbursement, and that such conduct is conduct deserving of sanction.
11. It is alleged that you misappropriated, or in the alternative, wrongfully converted a portion of the trust funds of your client R.W., and that such conduct is conduct deserving of sanction.

12. It is alleged that you are or were addicted to drugs and that as a result you inappropriately handled the funds of your client R.W., and your addiction otherwise impaired your capacity or motivation to provide competent services, and that such conduct is conduct deserving of sanction.
13. It is alleged that you were less than candid in your initial response to the Law Society in the matter of a complaint by R.W., and that such conduct is conduct deserving of sanction.
14. It is alleged that you failed to properly serve your client K.J., and that such conduct is conduct deserving of sanction.

**19. Mercy Amanoh - Calgary**

Represented by: Michael Donaldson  
Burnet, Duckworth & Palmer LLP  
1400 350 - 7th Avenue SW  
Calgary, AB T2P 3N9  
Telephone: (403) 260-0100

Law Society counsel: Molly Naber Sykes

Time and Place: The Law Society of Alberta – Calgary  
**September 7 & 8, 2010 – 9:30 a.m. each day**

Citations:

1. It is alleged that you contacted a party represented by other counsel without counsel's consent and that such conduct is conduct deserving of sanction.
2. It is alleged that you breached an undertaking to another lawyer, Terrence McCaffery, to discharge mortgages and that such conduct is conduct deserving of sanction.

**20. Bonnie Wald – Edmonton**

Represented by: Laura K. Stevens, QC  
Dawson Stevens & Shaigec  
300 9924 106 Street  
Edmonton AB T5K 1C4  
Telephone: (780) 424-9058

Law Society counsel: Lindsay MacDonald, QC

Time and Place: The Law Society of Alberta – Edmonton  
**September 7 – 10, 2010**  
**Commencing at 9:30 a.m. each day**

Citations:

1. It is alleged that you breached an undertaking;

a) When you took over the file from M. Loewen, you assumed the undertakings given by M. Loewen to X Company. You breached the undertaking in the following respects:

i. - failing to give X Company timely notice that the action had been settled,

ii. - failing to make payment to X Company of monies owing pursuant to the Assignment

and that such conduct is deserving of sanction.

2. It is alleged that you billed for fees you knew or ought to have known were improper and that such conduct is deserving of sanction.

3. It is alleged that you initially paid your legal fees and disbursements from trust funds belonging to the estate of the deceased at a time when there was no known personal representative and that such conduct is deserving of sanction.

4. It is alleged that you failed to serve your client;

i. -you failed to make reasonable efforts to determine and locate the representative of your deceased's client's estate

and that such conduct is deserving of sanction.

5. It is alleged that you failed to respond to X Company in a full and timely manner and that such conduct is deserving of sanction.

6. It is alleged that you failed to inform X Company, in a timely manner, of the death of your mutual client, despite having communications with X Company and that such conduct is deserving of sanction.

7. It is alleged that you breached trust conditions in depositing funds into your trust account without providing opposing counsel with an executed Consent Order setting aside Judgment and that such conduct is deserving of sanction.

8. It is alleged that you swore a false Affidavit by stating you never received opposing counsel's trust letter which he alleges accompanied the trust funds and that such conduct is deserving of sanction.

9. It is alleged that you prepared and garnisheed your own trust account and that such conduct is deserving of sanction.

10. It is alleged that you, upon receiving a request from opposing counsel to return the trust monies, failed to do so and that such conduct is deserving of sanction.

11. It is alleged that you paid trust funds into Court knowing that the funds were not attachable and that such conduct is deserving of sanction.

## **21. Bonnie Ewing – Calgary**

Represented by: Self-Represented  
Law Society counsel: Janet Dixon, QC  
Time and Place: The Law Society of Alberta – Calgary  
**September 8 & 10, 2010**  
**Commencing at 9:30 a.m. each day**

### Citations:

1. It is alleged that your conduct in respect of personal financial and business matters brought discredit to the profession and that such conduct is conduct deserving of sanction.
2. It is alleged that you failed to respond to D.C. and that such conduct is conduct deserving of sanction.
3. It is alleged that you failed to pay amounts awarded in judgments issued by the Provincial Court of Alberta against you and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to respond to the Law Society in relation to the complaint of D.C. and that such conduct is conduct deserving of sanction.
5. It is alleged that you failed to notify the Law Society of the issuance of one or more writs of enforcement against you and such conduct is conduct deserving of sanction.
6. It is alleged that you failed to keep client file information confidential and that such conduct is conduct deserving of sanction.
7. It is alleged that you failed to respond to the Law Society in relation to the complaint of S.P. and that such conduct is conduct deserving of sanction.
8. It is alleged that you failed to file your Forms S and T as required by the Rules of the Law Society and that such conduct is conduct deserving of sanction.

## **22. Thomas Taylor - Calgary**

Represented by: James B. Rooney, QC  
Fraser Milner Casgrain LLP  
29<sup>th</sup> Floor 237 4 Avenue SW  
Calgary AB T2P 4X7  
Telephone: (403) 268-7000

Law Society counsel: Garner Groome

Time and Place: The Law Society of Alberta – Calgary  
**September 9 & 10, 2010**  
**Commencing at 9:30 a.m. each day**

Citations:

1. It is alleged that you engaged in one or more business transactions with the Complainants, B.T. and T.T., where the Complainants either did not have independent legal representation, or did not consent to dispensing with independent representation, or did consent to dispense with independent representation but the transaction or transactions were not fair and reasonable to the Complainants, and that such conduct is conduct deserving of sanction.
2. It is alleged that you failed to adequately clarify to the Complainants B.T. and T.T. that you were acting only as an officer of R... and not as their lawyer, in the business transaction or transactions regarding a condominium project, and that such conduct is conduct deserving of sanction.
3. It is alleged that you acted in bad faith in assuring the Complainants B.T. and T.T. they would receive bonuses and other sums owing to them, and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to be candid in your dealings with the Complainant D.A., and that such conduct is conduct deserving of sanction.
5. It is alleged that you used your position to take unfair advantage of the Complainant D.A., and engaged in a business transaction or transactions with the Complainant without recommending that she seek independent legal advice, and that such conduct is conduct deserving of sanction.
6. It is alleged that you failed to adequately clarify to the Complainant D.A. that you were acting only as an officer of R... and not as her lawyer, in the business transaction or transactions regarding a condominium project, and that such conduct is conduct deserving of sanction.

**23. Robert Fulton**

Represented by: Self Represented

Law Society counsel: Janet Dixon, QC

Time and Place: The Law Society of Alberta – Edmonton  
**September 13 & 14, 2010**  
**Commencing at 9:30 a.m. each day**

Citations:

1. It is alleged that you abandoned your practice, and that such conduct is conduct deserving of sanction.

2. It is alleged that you failed to follow the accounting rules set out in the Rules of the Law Society of Alberta, and that such conduct is conduct deserving of sanction.
3. It is alleged that you failed to be competent and render competent service to your clients, and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to serve your client E.P. in a conscientious, diligent and efficient manner, and that such conduct is conduct deserving of sanction.
5. It is alleged that you failed to serve your client W.U.V. in a conscientious, diligent and efficient manner, and that such conduct is conduct deserving of sanction.
6. It is alleged that you misappropriated your client W.U.V.'s retainer by depositing the same in your personal bank account without rendering an account, and without providing any legal services, and that such conduct is conduct deserving of sanction.
7. It is alleged that you failed to serve your client J.B. in a conscientious, diligent and efficient manner, and that such conduct is conduct deserving of sanction.
8. It is alleged that you misappropriated your client J.B.'s retainer by depositing the same in your personal bank account without rendering the legal services for which the money was paid, and that such conduct is conduct deserving of sanction.
9. It is alleged that you failed to respond to the Law Society in a timely, complete and appropriate manner, and that such conduct is conduct deserving of sanction.

**24. Manish Bindal – Calgary**

Represented by:                   Graham Price, QC  
Machida Mack Shewchuk Meagher LLP  
1300, 707 - 7 Avenue S.W.  
Calgary, AB T2P 3H6  
Telephone: (403) 221-8333

Law Society counsel:           Janet Dixon, QC

Time and Place:                 The Law Society of Alberta – Calgary  
**September 15 & 16, 2010**  
**Commencing at 9:30 a.m. each day**

Citations:

1. It is alleged that you failed to maintain proper accounting records as required by the Rules of the Law Society of Alberta, and that such conduct is conduct deserving of sanction.

2. It is alleged that you created a shortage in your trust account, and that such conduct is conduct deserving of sanction.
3. It is alleged that you used client trust funds without the consent and knowledge of your clients to cover the trust shortage that you had created, and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to immediately report to the Law Society a shortage in your trust account, and that such conduct is conduct deserving of sanction.
5. It is alleged that you filed false or improper Forms S and T with the Law Society, and that such conduct is conduct deserving of sanction.
6. It is alleged that you failed to serve your client, and that such conduct is conduct deserving of sanction.
7. It is alleged that you failed to be candid with your accountant in the preparation of your firm's Form T, and that such conduct is conduct deserving of sanction.

## 25. Nancy Pearson – Edmonton

Represented by: Philip G. Lister, QC  
Philip G. Lister Professional Corporation  
302 Empire Building  
10080 Jasper Avenue  
Edmonton, AB T5J 1V9  
Telephone: (780) 422-6114

Law Society counsel: Janet Dixon, QC

Time and Place: The Law Society of Alberta – Edmonton  
**September 20 - 24, 2010**  
**Commencing at 9:30 a.m. each day**

### Citations:

1. It is alleged that you failed to follow your client's instructions, and that such conduct is conduct deserving of sanction.
2. It is alleged that you, upon receiving instructions to obtain the investors' permission prior to discharging their Caveats, failed to disclose that you had discharged several Caveats, and that such conduct is conduct deserving of sanction.
3. It is alleged that you failed to provide conscientious, diligent and efficient services to your client, and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to respond on a timely basis to communications from the Complainant that contemplated a reply, and that such conduct is conduct deserving of sanction.
5. It is alleged that you misappropriated or wrongfully converted money entrusted to you or received in your capacity as a barrister and solicitor, and that such conduct is conduct deserving of sanction.
6. It is alleged that you failed to replace trust funds for almost a year after a trust shortage occurred, and that such conduct is conduct deserving of sanction.
7. It is alleged that you breached the accounting Rules of the Law Society of Alberta, and that such conduct is conduct deserving of sanction.

## 26. Bradley Kempo – Edmonton

Represented by: Stew Baker, QC  
Duncan & Craig LLP  
2800 Scotia Place  
10060 Jasper Avenue  
Edmonton, AB T5J 3V9  
Telephone: (780) 428-6036

Law Society counsel: Garner Groome

Time and Place: The Law Society of Alberta – Edmonton  
**September 29, 2010**  
**Commencing at 9:30 a.m.**

Citations:

1. It is alleged that you misrepresented your professional status in communication(s) with the Law Society of British Columbia and others, including but not limited to Senators and Members of Parliament, other law societies, mayors, bar associations, and educational facilities, and that such conduct is conduct deserving of sanction.
2. It is alleged that you failed to respond to the Law Society of Alberta in a complaint made to it by the Law Society of British Columbia, and that such conduct is conduct deserving of sanction.
3. It is alleged that you misrepresented your professional status in communication(s) with the Law Society of Manitoba, and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to respond to the Law Society of Alberta in a complaint made to it by the Law Society of Manitoba, and that such conduct is conduct deserving of sanction.
5. It is alleged that you misrepresented your professional status in communication(s) with C..., and that such conduct is conduct deserving of sanction.
6. It is alleged that you failed to respond to the Law Society of Alberta in a complaint made by it in the matter of your communication(s) with C..., and that such conduct is conduct deserving of sanction.
7. It is alleged that you misrepresented your professional status in communication(s) with the Government of Canada's Department of Foreign Affairs and International Trade, and that such conduct is conduct deserving of sanction.
8. It is alleged that you failed to respond to the Law Society of Alberta in a complaint made to it by the Government of Canada's Department of Foreign Affairs and International Trade, and that such conduct is conduct deserving of sanction.

**27. David Westra – Edmonton**

Represented by: Stew Baker, QC  
Duncan & Craig LLP  
2800 Scotia Place  
10060 Jasper Avenue  
Edmonton, AB T5J 3V9  
Telephone: (780) 428-6036

Law Society counsel: Lindsay MacDonald, QC

Time and Place: The Law Society of Alberta – Edmonton

**October 25 – 29, 2010  
Commencing at 9:30 a.m. each day**

Citations:

1. It is alleged that you assisted your vendor client or your purchaser client, or both of them, to achieve an improper purpose, and that such conduct is conduct deserving of sanction.
2. It is alleged that you deliberately or recklessly failed in your obligation to your lender client to disclose the existence of the addendum, and that such conduct is conduct deserving of sanction.
3. It is alleged that you failed to disclose to your purchaser client that the vendor of the property was in fact a realtor, and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to serve your clients in a conscientious, diligent and efficient manner, and that such conduct is conduct deserving of sanction.
5. It is alleged that you failed to follow the instructions of your lender client, and that such conduct is conduct deserving of sanction.
6. It is alleged that you commissioned an Affidavit knowing it to be false, and that such conduct is conduct deserving of sanction.
7. It is alleged that you sought to deceive the Law Society in your responses to the complaint, and that such conduct is conduct deserving of sanction.

**28. Clarence Ewasiuk – Edmonton**

Represented by: Self Represented

Law Society counsel: Janet Dixon, QC

Time and place: The Law Society of Alberta – Edmonton  
**November 1 – 10, 2010  
Commencing at 9:30 a.m. each day**

Citations:

1. It is alleged that you failed to respond on a timely basis and in a complete and appropriate manner to communications from the Law Society, related to the Practice Review process that contemplated a reply, and that such conduct is conduct deserving of sanction.
2. It is alleged that you failed to cooperate with the Practice Review Committee as required by s.58(3) of the Legal Profession Act, and that such conduct is conduct deserving of sanction.
3. It is alleged that you have acted in an ungovernable fashion regarding your involvement with Practice Review, and that such conduct is conduct deserving of sanction.

4. It is alleged that you failed to serve your client J.W. in a conscientious, diligent and efficient manner, and that such conduct is conduct deserving of sanction.
5. It is alleged that you failed to respond in a timely manner to communications from your client J.W. that contemplated a reply, and that such conduct is conduct deserving of sanction.
6. It is alleged that you failed to respond in a timely manner to communications from another lawyer related to the file of J.W. that contemplated a reply, and that such conduct is conduct deserving of sanction.
7. It is alleged that you failed to be candid with your client S.V. regarding an Order made by Justice Sulyma on June 15, 2004, and that such conduct is conduct deserving of sanction.
8. It is alleged that you agreed with opposing counsel to a particular attributed income for your client S.V. without instructions from S.V., and that such conduct is conduct deserving of sanction.
9. It is alleged that you breached the September 23, 2003 Court Order of Justice Bielby in relation to the funds you were to hold in trust, and that such conduct is conduct deserving of sanction.
10. It is alleged that you breached your undertaking to opposing counsel in relation to holding in trust certain funds being paid into his trust account by N.V. and that such conduct is conduct deserving of sanction.
- 11.
12. It is alleged that you failed to respond to opposing counsel in relation to the matters of S.V. in a timely manner, and that such conduct is conduct deserving of sanction.
13. It is alleged that you instructed your client S.V. to sign a document in blank which you intended to use for court purposes, and that you held out to be a properly sworn affidavit, and that such conduct is conduct deserving of sanction.
14. It is alleged that you failed to respond to the Law Society on a timely basis related to inquiries regarding the complaint of S.V., and that such conduct is conduct deserving of sanction.
15. It is alleged that you failed to provide S.V. with her client file on a timely basis, and that such conduct is conduct deserving of sanction.
16. It is alleged that you failed to respond in a timely manner to communications from the Law Society that contemplated a reply in relation to an investigation order, and that such conduct is conduct deserving of sanction.
17. It is alleged that you failed to cooperate with Law Society investigators, and that such conduct is conduct deserving of sanction.

18. It is alleged that you placed yourself in a potential conflict of interest in representing W.N. while you were engaged in a personal relationship with her, and that such conduct is conduct deserving of sanction.
19. It is alleged that you failed to follow accounting rules of the Law Society of Alberta, and that such conduct is conduct deserving of sanction.
20. It is alleged that you failed to respond in a timely basis and in a complete and appropriate manner to any communications from the Law Society that contemplated a reply in relation to a Rule 130 audit and related matters, and that such conduct is conduct deserving of sanction.
21. It is alleged that you failed to serve your client L.M. by failing to serve the Statement of Claim within the limitation period, and that such conduct is conduct deserving of sanction.
22. It is alleged that you lied to your client L.M. and misled her into believing you had settled her claim with the insurance company, and that such conduct is conduct deserving of sanction.
23. It is alleged that you failed to respond to opposing counsel on the K. sale and the civil litigation file, and that such conduct is conduct deserving of sanction.
24. It is alleged that you failed to comply with undertakings, and that such conduct is conduct deserving of sanction.
25. It is alleged that you failed to properly supervise your staff, and that such conduct is conduct deserving of sanction.
26. It is alleged that you failed to serve your client P.H. by failing to serve the Statement of Claim within the limitation period, and that such conduct is conduct deserving of sanction.
27. It is alleged that you misled your client P.H. into believing you had settled her claim with the insurance company, and that such conduct is conduct deserving of sanction.
28. It is alleged that you failed to respond to communications from the insurance company that contemplated a reply, and that such conduct is conduct deserving of sanction.
29. It is alleged that you failed to serve your clients M.G. and D.V. in a conscientious, diligent and efficient manner, and that such conduct is conduct deserving of sanction.
30. It is alleged that you failed to respond in a timely manner to communications from your clients M.G. and D.V. that contemplated a reply, and that such conduct is conduct deserving of sanction.
31. It is alleged that you failed to respond in a timely manner to communications from another lawyer that contemplated a reply, and that such conduct is conduct deserving of sanction.

32. It is alleged that you failed to respond to D.D., a beneficiary of the W.D. Estate, and that such conduct is conduct deserving of sanction.
33. It is alleged that you failed to serve the W.D. Estate in a conscientious, diligent and efficient manner, and that such conduct is conduct deserving of sanction.

**29. Darrell Elgert – Edmonton**

Represented by: Charles Davison  
Abbey Hunter Davison  
9636 - 102A Avenue  
Edmonton, AB T5H 0G5  
Telephone: (780) 421-8585

Law Society counsel: Garner Groome

Time and Place: The Law Society of Alberta – Edmonton  
**November 29 – December 1, 2010**  
**Commencing at 9:30 a.m. each day**

Citations:

1. It is alleged that you failed to recommend to your client, A.H., to obtain independent legal representation in respect of personal loan transactions made by your professional corporation to your client, and that such conduct is conduct deserving of sanction.
2. It is alleged that you breached an undertaking to another lawyer, Kenneth Haak, to discharge a mortgage, and that such conduct is conduct deserving of sanction.
3. It is alleged that you failed to inform other counsel, Kenneth Haak, on a timely basis of your breach of undertaking, and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to recommend to your client, A.H., that she obtain independent legal advice once it became clear that you had breached your undertaking, and that such conduct is conduct deserving of sanction.
5. It is alleged that you failed to respond in a timely manner to communications from the Law Society that contemplated a reply in the matter of a complaint by Kenneth Haak, and that such conduct is conduct deserving of sanction.
6. It is alleged that you failed to cooperate with the Law Society by not providing your file(s) in the matter of A.H. in a timely manner as requested, and that such conduct is conduct deserving of sanction.
7. It is alleged that you failed to respond in a timely manner to communications from another lawyer, James Cregan, that contemplated a reply, and that such conduct is conduct deserving of sanction.
8. It is alleged that you failed to report a breach of undertaking to another lawyer, James Cregan, and failed to cease to act when you were in a conflict of interest arising from such breach, and that such conduct is conduct deserving of sanction.

9. It is alleged that you breached undertakings given to another lawyer, James Cregan, to discharge non-permitted encumbrances, and that such conduct is conduct deserving of sanction.
10. It is alleged that you failed to be competent and to render competent service to your client, Y.G., in the matter of the refinancing of her residential property, and that such conduct is conduct deserving of sanction.
11. It is alleged that you failed to respond in a timely manner to communications from another lawyer, L. Diane Young, that contemplated a reply, and that such conduct is conduct deserving of sanction.
12. It is alleged that you breached undertakings to and/or trust conditions imposed by another lawyer L. Diane Young, and that such conduct is conduct deserving of sanction.
13. It is alleged that you failed to provide truthful and forthright information to the Law Society in the matter of a complaint by L. Diane Young, and that such conduct is conduct deserving of sanction.
14. It is alleged that you failed to respond in a timely manner to communications from the Law Society that contemplated a reply in the matter of a complaint by L. Diane Young, and that such conduct is conduct deserving of sanction.
15. It is alleged that you failed to respond on a timely basis to communications from G.Z., and that such conduct is conduct deserving of sanction.
16. It is alleged that you failed to respond in a timely manner to communications from another lawyer Brent Mielke, and that such conduct is conduct deserving of sanction.
17. It is alleged that you failed to transfer your client file for S... to successor counsel Brent Mielke on a timely basis, and that such conduct is conduct deserving of sanction.
18. It is alleged that you failed to respond in a timely manner to communications from the Law Society that contemplated a reply in the matter of a complaint by G.Z., and that such conduct is conduct deserving of sanction.

**30. John Schneider – Calgary**

Represented by:                      Graham Price, QC  
Machida Mack Shewchuk Meagher LLP  
1300, 707 - 7 Avenue S.W.  
Calgary, AB T2P 3H6  
Telephone: (403) 221-8333

Law Society counsel:                Garner Groome

Time and Place:                      The Law Society of Alberta – Calgary  
**February 7 - 11, 2011**  
**Commencing at 9:30 a.m. each day**

Citations:

1. It is alleged that you failed to meet your commitments concerning the business aspect of your practice, and that such conduct is conduct deserving of sanction.
2. It is alleged that in failing to honour a judgment obtained against you, you acted in a manner that brought discredit to the profession, and that such conduct is conduct deserving of sanction.
3. It is alleged that you failed to obtain and implement the instructions of your client, H.D., in the matter of settlement, and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to promptly inform your client, H.D., of a settlement offer, and that such conduct is conduct deserving of sanction.
5. It is alleged that you failed to keep your client, H.D., informed as to the progress of her matter, and that such conduct is conduct deserving of sanction.
6. It is alleged that you failed to use reasonable efforts to ensure that your client, H.D., comprehended your advice and recommendations, and that such conduct is conduct deserving of sanction.
7. It is alleged that you failed to respond to your client, H.D., on a timely basis, and that such conduct is conduct deserving of sanction.
8. It is alleged that you failed to keep your client, L.B., informed as to the status of his matter, and that such conduct is conduct deserving of sanction.
9. It is alleged that you failed to properly serve your client, L.B., and that such conduct is conduct deserving of sanction.
10. It is alleged that you failed to respond to your client, L.B., on a timely basis, and that such conduct is conduct deserving of sanction.