



February 23, 2006

NOTICE TO THE PROFESSION

NOTICE TO: All Active Members and Students-at-Law,
All Executive Directors of other Law Societies in Canada,
All Justices of the Court of Appeal and Court of Queen's Bench,
All Judges of the Provincial Court of Alberta,
All Masters in Chambers,
All Clerks of the Court

Disbarment

SPECIFICS:

On February 15, 2006, a Resignation Committee appointed by the Benchers of the Law Society of Alberta granted the application of **Ms. Brenda Lea Stothert-Kennedy** to resign, pursuant to Section 61 of the *Legal Profession Act*, R.S.A. 2000, c. L-8, effective immediately. Ms. Stothert-Kennedy is therefore disbarred. Ms. Stothert-Kennedy resides in Edmonton and practised in Edmonton as a sole practitioner until May 20, 2004, when the Benchers suspended her membership under Section 63 of the *Legal Profession Act*.

Ms. Stothert-Kennedy faced fifteen citations at the time of her resignation application. She admitted the following specifics related to some of those citations and admitted her conduct was deserving of sanction:

- Between October 2002 and April 2004 Ms. Stothert-Kennedy failed to keep and maintain monthly trust reconciliations, keep and maintain monthly client listings, keep and maintain a trust journal, keep and maintain accurate client ledger cards and provide statements of account to all clients from whom funds were transferred on account.
- Between October 2002 and April 2004, during a period of her declining mental and physical health, transfers were regularly made from Ms. Stothert-Kennedy's trust and general accounts to her benefit without the required supporting documentation including the purchase of bank drafts and money orders totaling over \$300,000, automatic bank machine withdrawals totaling over \$200,000, points of sale purchases totaling over \$85,000, monthly salaries and operating expenses of the member's office totaling over \$175,000, other transfers and credit card payments totaling over \$110,000 and a trust cheque paid to the Canada Revenue Agency to reduce Ms. Stothert-Kennedy's personal tax liability in the amount of \$43,500.

- Having received and being unable to account for \$611,574.99 of trust funds, and that amount having been transferred to her general accounts, her consulting company or paid against her personal liabilities, Ms. Stothert-Kennedy admitted misappropriation of that amount.
- With respect to the other outstanding citations, Ms. Stothert-Kennedy acknowledged that she did not, both for reasons related to the misappropriation and her seriously declining mental and physical health, meet the standard of conduct required of a member of the Law Society of Alberta.

Ms. Stothert-Kennedy provided a written undertaking agreeing to cooperate with the Law Society regarding any future claims against her or the Assurance Fund and agreeing to pay any deductible related to any insurance claim paid by the Law Society insurer.

The Committee directed that Ms. Stothert-Kennedy pay the actual costs, estimated to be the sum of \$7,158.30.

The Committee further directed, in accordance with Section 78(5) of the *Legal Profession Act*, that the Executive Director refer this matter to the Minister of Justice and Attorney General.

The Custodian of Ms. Stothert-Kennedy's practice is:

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R. Gregory Busch
Director, Lawyer Conduct
Law Society of Alberta

