

THE LAW SOCIETY OF ALBERTA
IN THE MATTER OF THE *LEGAL PROFESSION ACT*,
AND
IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF WAYNE LEDREW,
A MEMBER OF THE LAW SOCIETY OF ALBERTA

Hearing Committee:

Darlene Scott, QC

Appearances:

Mr. Ledrew – appearing in person

Nancy Bains – Counsel for the LSA

Hearing Dates:

June 9, 2015 and March 22, 2016

Hearing Location:

Law Society of Alberta, 800, 10104 – 103 Avenue, Edmonton, Alberta

HEARING COMMITTEE REPORT

Introduction

1. On June 9, 2015, a single bencher (the “Bencher”) of the Law Society of Alberta (the “LSA”) convened at the offices of the LSA in Edmonton, Alberta, to conduct a hearing regarding two citations that had been directed by the LSA against Mr. Wayne Ledrew.

2. An admission of guilt was accepted by the Conduct Committee on April 15, 2015 with respect to Citation #2 and therefore this hearing was convened by a single bencher pursuant to section 60(3) of the *Legal Profession Act*.

Jurisdiction and Preliminary Issues

3. Ms. Bains established the jurisdiction of the Bencher pursuant to the following Exhibits which were entered by consent of the parties:

Exhibit 1 – Letter of Appointment

Exhibit 2 – Notice to Solicitor

Exhibit 3 – Notice to Attend

Exhibit 4 – Certificate of Status

4. There were no applications to hold the hearing in private and there were no objections to the identity of the Bencher hearing the submissions, on the grounds of bias or otherwise.

Citations

5. Mr. Ledrew faced two citations:
 - (a) That he consented to a court order without his client's consent and that such conduct is conduct deserving of sanction; and
 - (b) That he failed to be candid with the Law Society or failed to respond on a timely and complete basis to the Law Society and that such conduct is conduct deserving of sanction.
6. The LSA withdrew the first citation as they did not feel there was sufficient evidence to support the citation.
7. Mr. Ledrew signed a document, dated April 7, 2015, entitled, "Agreed Statement of Facts and Admission of Guilt". That document is attached as Appendix 1 to this Hearing Report. In it, Mr. Ledrew admitted guilt to the second citation.
8. The remaining Exhibits 5-22 were entered by consent.
9. Pursuant to section 60(4) of the *Legal Profession Act*, after a statement of admission of guilt is accepted by the Conduct Committee, it is deemed to be a finding of the Hearing Committee that the lawyer's conduct is conduct deserving of sanction. After hearing submissions by counsel for the LSA and Mr. Ledrew, and confirming Mr. Ledrew's understanding that the Bencher was not bound by the Joint Submission on Sanction, the Bencher confirmed the Agreed Statement of Facts and the guilty plea constituted a finding that Mr. Ledrew was guilty of conduct deserving of sanction on the second citation pursuant to s. 49 of the *Legal Profession Act*.

Joint Submissions on Sanction

10. The Benchler was provided with oral submissions by counsel for the LSA and by Mr. Ledrew in support of the joint submission which proposed a sanction by way of a reprimand, a \$2,500.00 fine and payment of the actual costs of the hearing.
11. Mr. Ledrew was experiencing significant health issues at the time of the incidents which gave rise to the citations, and in fact was hospitalized and underwent serious medical treatment in March 2014. Moreover, notwithstanding his initial failure to respond to the LSA inquiries, Mr. Ledrew fully co-operated with the LSA and its counsel as soon as counsel became involved. As a result, no investigative costs were incurred.
12. The LSA submitted the Member's Disciplinary Record as Exhibit 23 and an Estimated Statement of Costs which was accepted as Exhibit 24.
13. The Benchler expressed some concern with Mr. Ledrew's prior disciplinary record for similar incidents of failing to respond to the LSA. LSA counsel advised that the reason that the proposed sanction included a \$2,500.00 fine was due to the prior incidents of failure to respond. The Benchler questioned Mr. Ledrew with respect to whether he could assure the Benchler that he would not be in a similar situation in the future and understood the necessity of responding fully and promptly to all Law Society Inquiries.
14. Mr. Ledrew confirmed he was healthier and had taken steps to narrow his practice and decrease his workload. He now understands that, regardless of other practice issues and file pressures, he must immediately respond to all inquiries from the Law Society.
15. The Benchler therefore accepted the joint submission on sanction and confirmed that Mr. Ledrew should receive a reprimand, a fine of \$2,500.00 and be required to pay the actual costs of the hearing.
16. Mr. Ledrew sought six to nine months to pay the costs, and the Benchler agreed. The actual costs as described in the Statement of Costs, attached as Appendix 2, plus the \$2,500.00 fine are to be paid by Mr. Ledrew by December 31, 2015.
17. The Benchler then reprimanded Mr. Ledrew, reminding him of the privilege he is afforded in belonging to the legal profession and the corresponding ethical obligations to comply with all the Rules of the LSA. He was reminded of the importance of responding fully, completely and promptly to LSA inquiries and correspondence and of the importance of co-operating fully in respect of every investigation. The Benchler reminded Mr. Ledrew that had he done so at the very initial stages of this matter, he would not be facing the second citation and would likely not be at a hearing today.

Correction of Jurisdictional Issue

18. Subsequent to the June 9, 2015 hearing, it was determined that the jurisdiction of a single benchler does not extend to the withdrawal of citations. Accordingly, Citation #1

was referred back to the original Conduct Committee panel, which agreed to dismiss Citation #1.

19. Mr. Ledrew and Ms. Bains therefore appeared before the Bencher again by teleconference on March 22, 2016. There were no objections to the type of hearing or the process adopted to correct the procedural irregularity related to the withdrawal of Citation #1. The Bencher determined that the final Hearing Committee Report would identify the procedural irregularity, and would properly reflect that Citation #1 had been withdrawn by the Conduct Committee panel.

Sanction Summary

20. The single Bencher Hearing Committee directed the following sanctions:
 - (a) Mr. Ledrew received a reprimand;
 - (b) Mr. Ledrew was directed to pay a penalty of \$2,500 by December 31, 2015;
 - (c) Mr. Ledrew was directed to pay actual hearing costs in the amount of \$2,245.90 by December 31, 2015.
21. The exhibits and this report 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 third parties and complainants will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated at the City of Edmonton, in the Province of Alberta, this 11th day of April, 2016.

Darlene W. Scott, QC

Appendix 1

IN THE MATTER OF *THE LEGAL PROFESSION ACT*

AND

IN THE MATTER OF A HEARING REGARDING THE CONDUCT OF WAYNE LEDREW,

A MEMBER OF THE LAW SOCIETY OF ALBERTA

AGREED STATEMENT OF FACTS AND ADMISSION OF GUILT

INTRODUCTION

1. I was admitted as a member of the Law Society of Alberta on October 4, 1985.
2. My present status with the Law Society of Alberta is Active/Practicing.
3. I have practiced in Sherwood Park, Alberta from February 1, 1986 to present.
4. My practice comprises the following areas of practice: Civil Litigation (2%), Commercial (10%), Criminal (3%), Estate Planning and Administration (40%), Matrimonial/Family (5%) and Real Estate Conveyancing (40%).

CITATIONS

5. On July 31, 2014, the Conduct Committee Panel referred the following conduct to hearing:
 1. It is alleged that Mr. Ledrew consented to a court order without the knowledge or consent of his clients and that such conduct is deserving of sanction.
 2. It is alleged that Mr. Ledrew failed to reply promptly and completely to communication from the Law Society, and that such conduct is deserving of sanction.

FACTS

6. I was retained in August 2007 to represent Mr. J., as Executor, and the Estate of his ex-wife, E.W., with respect to an ongoing and acrimonious civil matter in which L.W., sister of E.W., was the Plaintiff. Mr. J.'s common-law spouse, J.H., was also involved in the matter.
7. E.W. filed a civil claim on August 27, 2007 against Mr. J. and the Estate of Ms. W., in which she disputed the Will that Ms. W. had executed on May 16, 2007. Ms. W. believed that Mr. J. had influenced Ms. W.'s decisions with respect to the execution of the Will and that Ms. W. was not of sound mind at the time.

8. Ms. W.'s counsel, C.S., brought an application to freeze Estate assets, notice of which was provided to me by Mr. S. on January 4, 2008, with a short time frame for return of the matter. Mr. S., in the covering letter for the application, asked that I discuss the application with Mr. J. and see if he would consent to an Order to the temporary freeze assets ("temporary freezing Order").
9. While I did not keep notes of my meeting with Mr. J., I indicated in a letter to Mr. S. on January 8, 2008 that I had met with Mr. J. the day before. I also discussed in my letter that Ms. W.'s application was "frivolous, vexatious and intermeddling" and asked for an adjournment of the application so that Mr. J. could prepare an Affidavit to respond to the application.
10. Mr. S. sent a letter to me on January 11, 2008 at 8:49am indicating that he would adjourn the application if they could have a temporary freezing Order with respect to vehicles, bank accounts and all investments. On this fax letter of January 11, 2008, I added my personal notes, indicating that Mr. S. would adjourn to early next week and regarding consent to the temporary freezing Order, I wrote that I would only consent if I could get instructions.
11. A further letter was sent to me by Mr. S. on January 11, 2008 at 3:32pm enclosing the temporary freezing Order. I made handwritten notes on this letter on January 11, 2008 that I faxed back to Mr. S., indicating to him that "[t]he order must recognize that there have been financial transactions since [Ms. W.'s] death and those accts/investments can only be frozen in their current state, whatever that may be." I submit that I would have only sent these concerns to Mr. S. once I had discussed the same with Mr. J.
12. On January 14, 2008 I made further handwritten notes on the January 11, 2008 letter (from 3:32pm) that I faxed back to Mr. S., indicating to him "[a]ttached order amended as discussed with my consent endorsed." I remember making the amendments to the temporary freezing Order, upon the insistence of Mr. J. The temporary freezing Order now contemplated the freezing of a GMC truck, all investments held by the estate in their current state and bank accounts held by the estate in their current state. Again, my position is that I would have faxed this letter, and the temporary freezing Order only once I had discussed the same with Mr. J.
13. I believe I called Mr. J. on January 21, 2008 and told him that the Court had granted the temporary freezing Order dated January 14, 2008.
14. I recall having several conversations with Mr. J. prior to the temporary freezing Order being granted about it. In a detailed summary given to me by Mr. J. when I was first retained, he indicated in writing that he was aware of an attempt by Ms. W. to "freeze" the estate of Ms. W. Further, Mr. J. also wrote that "there was nothing to freeze", "[t]he remains of the estate are minimal" and that "[t]here is very little to freeze. Hence, that is why I insisted on the amendments to freeze the investments and bank accounts "in their current state". This detailed summary was provided to the Law Society by me on February 22, 2015.
15. I understand that Mr. J. has complained that he never provided me instructions to consent to the temporary freezing Order. I submit that Mr. J. knew about the temporary freezing Order and instructed me to consent to such an order once amended.

16. I recently found an undated letter to me from Mr. J. which appears to have been sent some time after April 23, 2008. In the letter, Mr. J. states that "I know in the past we agreed to freeze 3 things, E.'s investment, bank account and the truck..." I provided this letter to the Law Society on February 22, 2015.
17. I submit that the above referenced letters, notes and documents establish that Mr. J. consented to the temporary freezing Order. I do admit that I did not make a specific record to file of my discussions with Mr. J. regarding the instructions regarding the temporary freezing Order.
18. Mr. J. dismissed me as their lawyer in August 2008 and hired new counsel. I delivered my file to Mr. J.'s new counsel, Doris Bonora on August 29, 2008 including all funds in my trust account, understanding that she was the new counsel retained to complete the Probate Application. A copy of this letter is enclosed. This concluded my involvement with this matter.
19. Five years later on July 12, 2013, I understand that Mr. J. and his spouse made a complaint to the Law Society about me. I was later advised of the other court activities surrounding this estate matter but had not been involved or had knowledge until my receipt of documents from the Law Society.
20. A letter was sent to me on September 6, 2013 requesting my formal response to the complaint. I failed to respond to the September 6, 2013 letter.
21. Follow up letters were sent to me by the Law Society on September 30 and October 2, 2013, requesting my response to the complaint. The September 30 letter required my response by October 14, 2013 and advised that if my response was not received, my failure to respond may result in a hearing for failing to respond and an adverse inference being drawn against me on the original complaint.
22. I then indicated in a fax to the Law Society dated October 3, 2013 that I had been out of the office but would ensure his response by October 14, 2013.
23. On October 15, 2013 the Law Society sent me a further follow up letter to me reminding me of my advice that I would provide my reply by October 14th and requested my immediate response.
24. An employee of the Law Society then spoke to me on October 31, 2013 and I stated that had to get the file from storage and was working on my response.
25. I never provided a response to the complaint.
26. In faxed correspondence dated November 25, 2013 (Exhibit 8) Mr. J. provided the Law Society additional documents that they had received from Mr. Ledrew's file which he had forwarded to their new counsel. These documents disclosed the letters from January 2008 which I have referred to above, along with my handwritten notes.
27. Mr. J.'s letter of November 25, 2013 was forwarded to me the same day. On December 9, 2013 further documents sent by the complainant to the Law Society were forwarded to me. Again, I never provided the Law Society with any response.

28. Citations were served on me by the Law Society on August 20, 2014 and disclosure was sent to me on August 21, 2014.
29. Eventually, on Sunday February 22, 2015, after several request from Law Society Counsel, I provided my response to the complaint as well as pertinent documents. My response and enclosed documents help to clarify and provide answer to Citation 1.
30. I understand that had I provided my response to the Law Society in the Fall of 2013, the matter may have been resolved then.

CONDUCT – CITATION No. 2

31. I admit that I failed to respond in a timely manner to the Law Society, and that such conduct is deserving of sanction.

ADMISSION OF FACTS AND GUILT

32. I admit as facts the statements in this Agreed Statement of Facts for the purposes of these proceedings.
33. I acknowledge that I have had the opportunity to consult legal counsel and provide this Statement of Facts and Admission of Guilt on a voluntary basis.
34. For the purposes of Section 60 of the *Legal Profession Act*, I admit my guilt to Citation 2 directed July 31, 2014.

THIS AGREED STATEMENT OF FACTS AND ADMISSION OF GUILT IS MADE THIS 7TH DAY OF APRIL, 2015.

“Wayne Ledrew”

WAYNE LEDREW

Appendix 2



IN THE MATTER OF THE *LEGAL PROFESSION ACT*

AND

IN THE MATTER OF A HEARING REGARDING THE CONDUCT OF WAYNE LEDREW, A MEMBER OF THE LAW SOCIETY OF ALBERTA

STATEMENT OF COSTS

June 9, 2015

Law Society Counsel - preparation (10 hours @ \$125/hr including GST)	\$1,312.50
Law Society Counsel - hearing (1.25 hours @ \$125/hr including GST)	\$164.06
Court Reporter & Transcript	\$506.84
<i>Per diem</i> hearing expenses - in effect February 5, 1998	
• \$250.00 for each day up to and including four (4) hours of hearing (plus 5% GST)	<u>\$262.50</u>
TOTAL COSTS	* <u>\$2,245.90</u>

“Darlene Scott”

Darlene Scott, Chair
Hearing Committee

Dated at the City of Edmonton, in the Province of Alberta this 20th day of July, 2015.

* Pursuant to the decision of the Hearing Committee, Wayne Ledrew was ordered to pay the actual costs of the hearing in the amount of \$2,245.90, in addition to a fine in the amount of \$2,500.00. Costs and fine, in the total amount of \$4,745.90, are due on or before December 31, 2015.

Please be aware that unless the Conduct Committee otherwise directs before the expiration of the period prescribed by the Hearing Committee, failure to pay the costs and/or fine as ordered will result in automatic suspension pursuant to section 79 of the *Legal Profession Act*.