

**THE LAW SOCIETY OF ALBERTA  
HEARING REPORT**

**IN THE MATTER OF THE *Legal Profession Act*,  
and in the matter of a Hearing regarding the conduct of  
NOBLE SHANKS, a Member of the Law Society of Alberta**

**INTRODUCTION**

1. On November 14, 2013, a Hearing Committee of the Benchers convened at the Law Society of Alberta office in Calgary for a hearing into the conduct of Noble Shanks. The Hearing Committee comprised Nancy Dilts QC, Benchler (Chair), Cal Johnson QC, Benchler, and Amal Umar, Lay Benchler (the "Committee"). The Law Society of Alberta ("LSA") was represented by Timothy Meagher. The Member was present and was unrepresented.

**JURISDICTION AND PRELIMINARY MATTERS**

2. Exhibits 1 to 5 established the jurisdiction of the Committee. The parties raised no objections to the jurisdiction or composition of the Committee.

3. The hearing was held in public. Mr. Shanks confirmed that he was aware that he was entitled to have counsel present but indicated he was self-represented.

**CITATIONS**

4. The hearing relates to eight (8) citations brought against Mr. Shanks:

1. It is alleged that you failed to respond to your client, A.T., and that such conduct is conduct deserving of sanction;
2. It is alleged that you failed to serve your client, A.T., and that such conduct is conduct deserving of sanction;
3. It is alleged that you failed to respond to the Law Society in the matter of a complaint by A.T., and that such conduct is conduct deserving of sanction;
4. It is alleged that you failed to respond to your client, Z.A., and that such conduct is conduct deserving of sanction;
5. It is alleged that your account to Z.A. exceeded a fair and reasonable amount, and that such conduct is conduct deserving of sanction;
6. It is alleged that you failed to reimburse your client, Z.A., the amount by which your account was reduced by a Review/Assessment Officer, and that such conduct is conduct deserving of sanction;
7. It is alleged that you failed to respond to the Law Society in the matter of a complaint by Z.A., and that such conduct is conduct deserving of sanction;
8. It is alleged that you failed to keep the Law Society informed of your current business and personal addresses, and that such conduct is conduct deserving of sanction.

**EVIDENCE**

5. At the outset of the hearing, a Statement of Admitted Facts, appended to this Hearing Report as Appendix A, was entered as Exhibit 27. The Statement of Admitted Facts contains admissions at paragraphs 26 and 43 respecting the conduct complained of in citations 1 through

4 and citations 6 through 8. Documents marked Exhibits 6 through 26 were admitted by agreement and form part of the evidence before the Committee.

6. The Committee conferred and concluded that the Agreed Statement of Facts was acceptable and amounts to an admission of guilt and the Committee found Mr. Shanks to be guilty of conduct deserving of sanction in accordance with Section 60 of the *Legal Profession Act* with respect to citations 1 through 4 and citations 6 through 8.

7. Counsel for the Law Society advised the Committee that both A.T. and Z.A. planned to attend the hearing, but were not present in light of the Statement of Admitted Facts having been agreed to by Mr. Shanks. No other evidence was led by either party.

8. Mr. Shanks was admitted to the Law Society of Alberta in 1996 and is currently a suspended member, his membership having been suspended in January 2013 for non-payment of fees.

9. Citations 1 through 3 relate to Mr. Shanks' representation of A.T., a realtor who retained Mr. Shanks to represent her with respect to the recovery of realtor fees. The evidence supports the conclusion that Mr. Shanks failed to take diligent action to bring his client's legal matters to conclusion despite repeated requests from his client to do so.

10. Having had no success in compelling Mr. Shanks to attend to her matters, Ms. A.T. enlisted the assistance of the LSA's Complaints Review Officer in an effort to compel Mr. Shanks to attend to her requests. The evidence shows, however, that even when requested by the LSA to take steps to conclude Ms. A.T.'s matter, Mr. Shanks received multiple promptings and still failed to act. Communications from opposing counsel forming part of the evidence in this matter further confirm Mr. Shanks' lack of attendance to matters involving his client. Of concern is the fact that Mr. Shanks did not withdraw or get out of the way so that his client could meaningfully handle her own matters.

11. Furthermore, of particular concern to the Committee was Mr. Shanks' unresponsiveness to the LSA after Ms. A.T.'s complaint was filed. Exhibits 11, 14 and 15 are copies of letters advising either that Mr. Shanks missed a deadline for response to the LSA's request or that his response was incomplete. In addition to these letters, there were no fewer than three voicemails left for Mr. Shanks by the Complaints Review Officer that were unanswered. In fact, the last correspondence from the LSA dated August 31, 2012 remained without response up to the date of the hearing.

12. Paragraph 26 of the Statement of Admitted Facts contains various admissions made by Mr. Shanks regarding the complaint of A.T. Those admissions reflect a lack of service and a lack of diligence on the part of Mr. Shanks and a lack of responsiveness by Mr. Shanks to his professional body.

13. Citations 4, 6 and 7 relate to Mr. Shanks' representation of Z.A. in divorce proceedings. Ms. Z.A., a Muslim, was referred to Mr. Shanks for legal advice through her employee assistance program. The evidence contained in the Statement of Admitted Facts is that Ms. Z.A. made numerous inquiries of Mr. Shanks over a period of 3 months in an effort to learn the status of her divorce proceedings. Mr. Shanks, it seems, was stalled in advancing her petition for divorce because he felt a need to research the implications of a Muslim marriage contract on a claim for divorce in Alberta. In the meantime, he failed to communicate with his client and to keep her informed of his actions.

14. Ms. Z.A. paid Mr. Shanks a \$2,000 retainer in August 2011. In mid October, after no apparent progress on her file, Ms. Z.A. asked Mr. Shanks for an accounting. Mr. Shanks rendered an interim account of \$1,968.75. Ms. Z.A. terminated Mr. Shanks' retainer and then started a lengthy and demanding process of challenging his account, obtaining judgment, and recovering monies owed. Ultimately, Mr. Shanks' account was taxed down by over 60%; Ms. Z.A. was awarded a judgment against Mr. Shanks and recovered the judgment by issuing and enforcing a garnishee summons.

15. While Mr. Shanks felt that research was required into the divorce issues, he failed to keep his client informed of what he felt was of concern. Moreover, Mr. Shanks' account was substantially reduced by a taxing officer and Ms. Z.A. was put to significant effort and inconvenience to recover monies due to her from Mr. Shanks.

16. Citation 8 arose in conjunction with the Law Society's investigation of Ms. Z.A.'s complaint. It is admitted by Mr. Shanks that he failed to keep the Law Society informed of his business and personal address.

17. The evidence in the form of the Statement of Admitted Facts and Exhibits 6 through 26 supports a finding that citations 1 through 4 and 6 through 8 are made out and reflect conduct deserving of sanction.

18. With respect to citation 5, that Mr. Shanks' account to Z.A. exceeded a fair and reasonable amount, there was no information from the taxing officer as to the reasons for the substantial reduction of Mr. Shanks' account. Mr. Shanks, in turn, could offer no better specifics of the effort expended by him on behalf of Z.A. other than as reflected in a very general Statement of Account.

19. While LSA counsel did not withdraw citation 5, he conceded that there was limited evidence before the Committee on which to base a finding of guilt.

20. The Committee considered the submissions of LSA counsel and the evidence before it and concluded, having regard to the nature of the retainer and the unique issues Mr. Shanks was to address, that there was insufficient evidence to conclude that the account at Exhibit 19 exceeded a fair and reasonable amount. It is worthy of note that Mr. Shanks was not aided in his response by insufficient record keeping and account detail. However, the Committee concludes that citation 5 is not proven.

## **SUBMISSIONS REGARDING SANCTION**

21. Having found Mr. Shanks guilty of conduct deserving of sanction with respect to citations 1 to 4 and 6 to 8, the Committee heard from both parties with respect to sanction.

22. Mr. Shanks' discipline record was tendered showing that Mr. Shanks has no previous disciplinary record.

23. In his submissions on sanction, LSA counsel referenced prior reported cases, including *Law Society of Alberta v. Fair* (2012 ABLs 1), in support of his recommendation that Mr. Shanks receive a reprimand, be ordered to pay a penalty of \$2,000, be directed to practice review and be ordered to pay costs of the hearing. In the *Fair* case, Mr. Fair, a member of the Law Society of Alberta, was found to have failed to conscientiously and diligently serve his clients and to

have failed to reimburse monies owed to his clients following taxation of his account. In considering sanction, the Hearing Committee noted that Mr. Fair voluntarily paid the monies owing to his clients and in fact paid more than was required. The Hearing Committee found Mr. Fair's actions to be an "act of remorse and a self-imposed penalty." In that case, Mr. Fair was fined \$2,000.

24. Law Society counsel also referred the Committee to the decision in *Law Society of Alberta v. Elgert* (2012 ABLs 9) and the factors to be considered in sanctioning a member.

25. Mr. Shanks, in speaking to sanctioning, advised the Committee that he is currently 53 years old, the sole bread winner in his family, and a member of a Canadian First Nation. Mr. Shanks spoke of the impact of the complaint from Z.A. on his practice, noting that it resulted in no further referrals coming to him through the employee assistance program. As a result of his business diminishing, Mr. Shanks was unable to pay his fees and is presently under administrative suspension. He informed the Committee that his intention is to seek reinstatement and resume practice.

26. Mr. Shanks expressed remorse over his conduct and recognizes that he should have taken the necessary steps to serve his clients. He also acknowledged the deficiencies in his communications with the Law Society.

## **DECISION REGARDING SANCTION**

27. In determining an appropriate sanction, the Committee is to take a purposeful approach. The overarching purpose of the sanction process is to protect the public, preserve high professional standards, and preserve public confidence in the legal profession: *Law Society of Alberta v. Mackie*, 2010 ABLs 10. The purpose of sanctions is not "to punish offenders and exact retribution": *Lawyers & Ethics: Professional Responsibility and Discipline*, by Gavin McKenzie (at page 26-1):

28. The *Legal Profession Act*, Section 72(1) requires that a Hearing Committee, on finding a member guilty of conduct deserving of sanction, disbar, suspend or reprimand the member. Unlike disbarment or suspension, a reprimand does not limit a member's right to practice. It is, however, a public expression of the profession's denunciation of the lawyer's conduct and is to deter future misconduct by the member and within the profession: *Law Society of Alberta v. Westra*, 2011 CanLii 90716.

29. When deciding how the public interest should be protected through the sanction process, the Hearing Committee is invited to take into account various factors, including a) the nature and gravity of the misconduct, b) whether the misconduct was deliberate, c) whether the misconduct raises concerns about the lawyer's honesty or integrity, d) the impact of the misconduct on the client or other affected person, e) general deterrence of other members of the profession, f) specific deterrence of the particular lawyer, g) whether the lawyer has incurred other serious penalties or other financial loss as a result of the circumstances, h) preserving the public's confidence in the integrity of the profession's ability to properly supervise the conduct of its members, i) the public's denunciation of the misconduct, j) the extent to which the offensive conduct is clearly regarded within the profession as falling outside the range of acceptable conduct, and k) imposing a penalty that is consistent with the penalties imposed in similar cases. In addition, the Hearing Committee considers mitigating circumstances that may temper the sanctions that may be imposed including the lawyer's conduct since the misconduct, the lawyer's prior disciplinary record, the age and experience of the lawyer and whether the lawyer

entered an admission of guilt, thereby showing an acceptance of responsibility: *Law Society of Alberta v. Elgert*, 2012 ABL 9.

30. Considering the nature of Mr. Shanks' conduct in this matter, the Committee finds that Mr. Shanks demonstrated a lack of diligence and responsiveness. His inaction and lack of attention to his clients' matters caused unnecessary effort, frustration and inconvenience to his clients. Furthermore, Mr. Shanks did not change his course of conduct even following the involvement of a Complaints Review Officer.

31. In reaching its decision regarding sanction, the Committee places emphasis on the fact that Mr. Shanks appeared before it without any prior disciplinary record. We also acknowledge that by choosing to enter an admission of guilt, Mr. Shanks lessened the burden on the LSA and, in particular, on the two complainants who otherwise intended to appear at the hearing. Mr. Shanks also expressed remorse for his conduct and the Committee accepts that as true. Finally, it is evident that Mr. Shanks has suffered the loss of his practice as a consequence of the complaint filed by Z.A.

32. Aggravating factors, however, are that Mr. Shanks did not make voluntary payment of the monies to be returned to Z.A.; in fact, as previously noted, Ms. Z.A. was required to obtain a judgment and issue and enforce a garnishee summons to recover the monies awarded to her.

33. In addition, the Committee is concerned with respect to Mr. Shanks' lack of responsiveness to his governing body. As referenced in the *Elgert* decision cited above, preserving the public's confidence in the integrity of the LSA's ability to properly supervise the conduct of its members is a factor to be considered in sanctioning.

34. Having regard to all of the factors discussed above and taking into account that Mr. Shanks is not currently earning any income, the Hearing Committee reaches the following decision on sanction:

- a) Mr. Shanks shall receive a reprimand to be delivered by the Chair of the Hearing Committee;
- b) Mr. Shanks is ordered to pay a fine of \$1,000;
- c) Mr. Shanks is ordered to pay costs of the proceedings, fixed at \$4,500; and
- d) Upon reinstatement, Mr. Shanks is referred to Practice Review and is to cooperate with the Practice Review Committee and to satisfy any conditions which may be imposed upon him by the Practice Review Committee.

35. With respect to time to pay, both the fine and the costs are to be paid within one year of Mr. Shanks' reinstatement from his current administrative suspension, subject to Mr. Shanks being entitled to apply to the Conduct Committee of the LSA for an extension of time to pay.

## **REPRIMAND**

36. A reprimand was delivered by the Chair at the conclusion of the hearing, reminding Mr. Shanks that both the public interest and the *Code of Professional Conduct* requires that members of the LSA serve their clients diligently, conscientiously, and with due regard for the clients' interests. He failed to do so with respect to A.T and Z.A. and in doing so, harmed the standing and the reputation of the legal profession.

37. A reprimand is a public expression of the profession's denunciation of Mr. Shanks' conduct and should serve as a lasting reminder to him of the importance of his duties to his clients and the delicate nature of our individual and collective reputations. The Committee acknowledges that Mr. Shanks has felt directly the repercussion of a blight on his reputation.

38. The Committee also reminded Mr. Shanks that it is imperative that he recognize the importance of timely, complete and thorough dealings with the LSA. The responsibility of the Committee is to consider the importance of a member's governability and to take action to preserve the public's confidence in the integrity of the profession's ability to properly supervise the conduct of its own members.

39. Finally, and importantly, Mr. Shanks is encouraged to move forward with his career and as a productive and important member of his community.

### **CONCLUDING MATTERS**

40. In the event of any request for public access to the evidence heard in these proceedings, the Exhibits and the transcript of proceedings shall be redacted to protect the identity of the Member's former clients, and any information subject to proper claims of privilege.

41. No referral to the Attorney General is directed.

42. There shall be no Notice to the Profession issued.

Dated at Calgary, Alberta this 14<sup>th</sup> day of November, 2013.

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Nancy Dilts, QC, Chair

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Cal Johnson, QC

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## STATEMENT OF ADMITTED FACTS

1. Noble Shanks admits the following facts to be true.
2. Mr. Shanks was admitted to the Law Society of Alberta (“LSA”) in 1996.
3. Mr. Shank’s membership in the LSA was suspended for non-payment of fees on January 15, 2013.

### A.T.’s Complaint of October 27, 2011

4. A.T. first contacted the LSA by telephone or about October 27, 2011, to complain that Mr. Shanks, who had represented her at an appeal of a small claims matter in the spring of 2011, had failed to file an order of the Court of Queen’s Bench and that she had not heard from him since September of 2011.
5. The following 3 citations against Mr. Shanks arise from A.T.’s complaint:
  - a) Mr. Shanks failed to respond to his client;
  - b) Mr. Shanks failed to serve his client;
  - c) Mr. Shanks failed to respond to the LSA.
6. A.T., a realtor, had commenced an action in Provincial Court Civil Division to recover fees that had been improperly charged against her account by her real estate broker. She was unsuccessful, and the court awarded costs of \$700 against her. She retained Mr. Shanks to appeal the small claims matter.
7. The appeal was eventually set for January 14, before Lovecchio, J.
8. On December 21, 2010, before the appeal hearing, Mr. Shanks told A.T. that:
  - a) his retainer was “over”;
  - b) she had until December 29, 2010 to file her brief;

- c) she should file a notice of motion seeking to allow her to admit fresh evidence; and;
- d) if she wanted him to represent her any further, she would have to convince him that she had a reasonable chance of success and then retain him.

**(exhibit 6)**

9. In response to Mr. Shanks' email message, A.T. provided to Mr. Shanks, for his review, a draft brief and a draft notice of motion. She also provided him with a cheque for his further retainer. A.T. filed the brief and the notice of motion herself on December 29, 2010.
10. Mr. Shanks attended with, and represented A.T. at, the appeal hearing. LoVecchio J. directed the respondent's counsel to make further inquiries of his client to determine whether the fees had, in fact, been reimbursed to A.T. and adjourned the matter *sine die*.
11. Despite repeated requests from A.T., Mr. Shanks did not bring this matter to conclusion; therefore, A.T. contacted Doug Morris, a complaints resolution officer with the LSA on or about October 27, 2011 for assistance. On November 9, 2011 Mr. Morris contacted Mr. Shanks who agreed to contact counsel for the respondent for an update after which he would speak to A.T. to obtain instructions.
12. Mr. Morris spoke to A.T. and told her that Mr. Shanks would be calling her but that she should call the LSA if she did not hear from him in the next two weeks.
13. On or about December 6, 2011, Mr. Morris contacted Mr. Shanks who indicated that he had spoken to A.T. but had not made any recent attempts to contact opposing counsel. He agreed to send an email message to opposing counsel to see if the matter could be resolved without having to re-attend before LoVecchio, J.
14. Mr. Shanks sent an email message to respondent's counsel on December 9, 2011 a copy of which is at **exhibit 7**. Exhibit 7 also contains a copy of respondent's counsel's response to Mr. Shanks of December 12, 2011.
15. By February 24, 2012, Mr. Shanks had still not arranged to conclude the matter, and A.T. advised Mr. Morris that she had arranged for the appeal hearing to be brought back before LoVecchio J. herself on March 29, 2012. She had tried to speak to opposing counsel, but he refused to speak



with her until he received confirmation from Mr. Shanks that Mr. Shanks was no longer representing her. A.T. also advised Mr. Morris that Mr. Shanks had not provided her with a copy of her file, as promised, and that she no longer wanted him to represent her.

16. Mr. Morris left unreturned voice mail messages for Mr. Shanks on January 17, February 24, and March 7 all in 2012. On March 9, 2012, A.T. advised Mr. Morris that the Mr. Shanks was not responding to her either.
17. On March 29, 2012 Lovecchio, J. allowed A.T.'s appeal partially and granted her partial costs of the Provincial Court action and partial costs of the appeal. Mr. Shanks also attended at the March 29, 2012 hearing because he was still on the record, but A.T. represented herself. On March 30, 2012, A.T. sent an email message to Mr. Shanks expressing her displeasure with his conduct. Mr. Shanks replied on the same date (**exhibit 8**).
18. On May 9, 2012, A.T. made a complaint in writing to the LSA (**exhibit 9**). Her concerns are summarized as follows:
  - Mr. Shanks failed to return her calls and emails;
  - Mr. Shanks failed to file a brief on her behalf and failed to inform her that he would not be filing a brief;
  - Mr. Shanks failed to follow the direction of the judge and failed to communicate with opposing counsel on her behalf. He also failed to return her file;
  - After she dismissed him he failed to advise opposing counsel which caused confusion with her pending court action.
19. On June 7, 2012 the Law Society requested that Mr. Shanks provide a formal response to A.T.'s complaint, pursuant to section 53 of the *Legal Profession Act*. Mr. Shanks was specifically asked to respond to his failure to reply to the CRO's voicemail messages of January 17, February 24 and March 7, all in 2012 (**exhibit 10**).
20. As Mr. Shanks did not respond, a reminder letter was sent on July 31, 2012 (**exhibit 11**).
21. The LSA received Mr. Shanks' response of August 2, 2012 on August 7, 2012 (**exhibit 12**) which is summarized as follows:

- He had been retained only to argue the appeal of the small claims court decision. A.T. had prepared her own materials which were extremely difficult to understand and included numerous allegations which LoVecchio, J. found to be inflammatory and vexatious. A.T. was ordered to withdraw her affidavit;
  - At the appeal hearing LoVecchio, J. asked A.T. and the respondent to determine if A.T. had paid the disputed fees twice, and if so, she was to be reimbursed;
  - Opposing counsel was very difficult to reach but eventually responded and indicated that he had difficulty obtaining the requested information;
  - “After a barrage of telephone calls and e-mails from A.T. demanding that I obtain an order I advised her that the judge did not grant an order he simply provided directions and so it would be required to bring the matter back before him”; and
  - Eventually A.T. had the matter set down before LoVecchio J, of her own accord, and Mr. Shanks attended because he was still on the record. He stayed until the end of the hearing to advise the court what he understood the court’s previous directions to be.
22. Mr. Shanks’ reply was provided to A.T. who responded to the Law Society by letter dated August 10, 2012 a copy of which is at **exhibit 13**.
23. On August 7, 2012, the LSA wrote to the member stating that his response was incomplete in that he had not addressed his failure to respond to the CRO’s voicemail messages of January 17, February 24 and March 7, all in 2012, and he was asked to provide his response to that issue at his earliest convenience (**exhibit 14**). Mr. Shanks received this letter but did not reply.
24. By letter dated August 31, 2012, the LSA advised the member that his response to the August 7, 2012 correspondence remained outstanding and that his failure to respond could result in both a hearing for failing to respond, and an adverse inference being drawn against him on the original complaint (**exhibit 15**). Mr. Shanks received this letter but did not reply.
25. The member has not responded to the August 31, 2012 letter from the LSA.
26. Mr. Shanks admits committing the following conduct and that this is conduct deserving of sanction:

- a) There are numerous instances when he did not respond to A.T;
- b) He failed to deliver up A.T.'s client file to her and he failed to advise opposing counsel that he was no longer acting for her.
- c) He failed to perform various services which he was to perform, including the filing of a brief on her behalf and dealing properly with the direction from LoVecchio, J. in January or March of 2011.
- d) Mr. Shanks did not adequately clarify the matter with his client or opposing counsel.
- e) Mr. Shanks did not take the necessary steps to have the complainant's matter returned to LoVecchio J. for decision.
- f) Mr. Shanks failed to respond to three telephone messages left for him by the LSA Complaints Resolution Officer and he failed to respond to the letters sent to him by the LSA on August 7, 2012 and August 31, 2012 which required a response.

#### **Z.A.'s Complaint of December 21, 2011**

- 27. On or about December 21, 2011, Mr. Shanks' client, Z.A., notified the LSA about a complaint about Mr. Shanks' conduct (**exhibit 16**).
- 28. The following 4 citations against Mr. Shanks arise from Z.A.'s complaint:
  - a) Mr. Shanks failed to respond to his client;
  - b) Mr. Shanks failed to respond to the Law Society or to keep the Law Society informed of his current business and personal addresses;
  - c) Mr. Shanks' account exceeded a fair and reasonable amount;
  - d) Mr. Shanks failed to reimburse to his client the amount by which his legal account was reduced by a Review/Assessment Officer.
- 29. Z.A. hired Mr. Shanks in August 2011 to obtain a divorce judgement, and she provided him with a retainer of \$2,000.00. Mr. Shanks did not obtain a signed retainer agreement.
- 30. Z.A. began to phone Mr. Shanks after two or three weeks to check on his progress. After failing to return several phone calls, he responded to say that he was working on the matter. After that, the

complainant called him 2 to 3 times a week to check on the progress of her file. Each time she called, she was given a different excuse as to why the statement of claim was not ready. They made appointments to meet, but Mr. Shanks cancelled them at the last minute.

31. In mid-October of 2011, Z.A. asked for an account which was provided to her on or about November 8, 2011, when Mr. Shanks rendered an interim account to Z.A. in the amount of \$1,968.75 (“the Account”).
32. Z.A. terminated the retainer on or about December 9, 2011, and she requested that \$1500 of her retainer amount be refunded to her. The parties were unable to agree on a refund and then Z.A. contacted the LSA with her complaint.
33. A CRO wrote to Mr. Shanks on January 6, 2012, January 30, 2012, and February 29, 2012 to ask for his response to Z.A.’s complaint (**exhibit 17**). Mr. Shanks responded on March 12, 2012 (**exhibit 18**).
34. On March 26, 2012, the Account was taxed down to \$750.00 from \$1968.75 by a review/assessment officer (**exhibit 19**).
35. By letter dated May 2, 2012, (**exhibit 20**) the LSA asked the member for:
  - Records supporting the original billing;
  - His understanding of the reasoning for the reduction of the Account; and
  - Whether and when Mr. Shanks intended to reimburse Z.A. for the difference between the amount of the Account and the amount allowed by the review officer.
36. In his letter, dated March [sic] 31, 2012, which was received by the LSA on or about June 1, 2012 (**exhibit 21**), Mr. Shanks stated that:
  - a) He had no detailed time record to support the billing in question. It was based on his recollection of work;
  - b) The review officer’s reasons were very brief; and

- c) He had other pressing concerns but Z.A.'s account was among the first priorities to deal with as he earned money in his new office.
37. On or about June 22, 2012, Z.A. obtained an order from the Court of Queen's Bench of Alberta for judgment against Mr. Shanks in the amount of \$1,250.00 plus costs of \$250.00.
38. Z.A. sent the following documents to Mr. Shanks (**exhibit 22**):
- a) A writ of enforcement filed on June 22, 2012;
  - b) An order from a Master of the Court of Queen's Bench of Alberta filed on June 22, 2012, requiring Mr. Shanks to pay judgement in the amount of \$1250.00 plus costs of \$250.00;
  - c) A personal property registry verification statement;
  - d) Copies of two garnishee summonses filed on June 25, 2012;
39. Z.A. was able to collect her judgment in the amount of \$1,700.00 sometime in the summer of 2012 by way of the garnishee summonses that she had issued.
40. By letter dated July 19, 2012 from the LSA Mr. Shanks was asked to provide a formal response to the complaint (**exhibit 23**).
41. The July 19, 2012 correspondence was sent to Mr. Shanks' personal address given by Mr. Shanks in Mr. Shanks' information update form dated May 28, 2012 (**exhibit 24**). This update had been submitted by Mr. Shanks in response to a request for updated information from the LSA's membership department which had learned that Mr. Shanks would be working from his Cochrane address. The letter was returned unclaimed when sent by registered mail, and then marked as "moved/unknown" when sent by regular mail (**exhibit 25**).
42. Another letter was sent to Mr. Shanks on August 17, 2012 to the same address requiring a response by September 7, 2012 (**exhibit 26**).
43. Mr. Shanks admits that he committed the following conduct and that such conduct is deserving of sanction:

- a) He failed to respond to his client Z.A.;
- b) He failed to respond to the LSA;
- c) He failed to keep the LSA informed of his current business and personal addresses;
  
- e) He failed to reimburse to this client Z.A. the amount by which his legal account was reduced on a review by a Review/Assessment Officer.

THIS STATEMENT OF ADMITTED FACTS IS MADE THIS 13<sup>th</sup> DAY OF NOVEMBER, 2013.

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Noble Shanks