

**IN THE MATTER OF PART 3 OF THE  
LEGAL PROFESSION ACT, RSA 2000, c. L-8**

**AND**

**IN THE MATTER OF A HEARING REGARDING  
THE CONDUCT OF ASHTON A.J. BREHM  
A STUDENT-AT-LAW OF THE LAW SOCIETY OF ALBERTA**

**ORDER OF THE HEARING COMMITTEE**

**UPON THE ISSUANCE OF CITATIONS** by the Law Society of Alberta (LSA) to Ashton A.J. Brehm pursuant to section 56 of the *Legal Profession Act* (the Act);

**AND WHEREAS:**

- a) Ashton A.J. Brehm signed a Statement of Admitted Facts and Admission of Guilt (the Statement, attached to this Order) in relation to his conduct on January 31, 2020;
- b) Ashton A.J. Brehm admits in the Statement that the conduct set out in the Statement is deserving of sanction;
- c) On February 11, 2020, the Conduct Committee found the Statement acceptable, pursuant to subsection 60(2) of the Act;
- d) On March 9, 2020, the Chair of the Conduct Committee appointed a single Bencher as the Hearing Committee (Committee) for this matter, pursuant to subsection 60(3) of the Act;
- e) Pursuant to subsection 60(4) of the Act, it is deemed to be a finding of this Committee that Ashton A. J. Brehm's conduct is deserving of sanction;
- f) On April 9, 2020, the Committee convened a public hearing into the appropriate sanction related to the conduct of Ashton A.J. Brehm;
- g) The LSA and counsel for Ashton A.J. Brehm have provided a joint submission on sanction for the Committee's consideration, seeking a reprimand and a fine of \$1,000.00;
- h) The parties have also agreed that it is reasonable for Ashton A.J. Brehm to pay \$1,575.00 in costs in relation to this matter;

- i) The Committee has determined that the joint submission is reasonable, consistent with sanctions in similar cases, does not bring the administration of justice into disrepute and is therefore in the public interest;
- j) The Committee has accepted the joint submission on sanction, and accepted the submission with respect to the payment of costs.

**IT IS HEREBY ORDERED THAT:**

- 1. The appropriate sanction with respect to Ashton A.J. Brehm's conduct is a reprimand, which was delivered orally by the Committee to Ashton A.J. Brehm, and a fine of \$1,000.00.
- 2. The text of the reprimand will be attached to this Order as a schedule prior to the Order being published.
- 3. Ashton A.J. Brehm must pay costs in the amount of \$1,575.00.
- 4. The fine of \$1,000.00 and costs of \$1,575.00 are payable by April 30, 2020.
- 5. No Notice to the Profession or Notice to the Attorney General is to be made.
- 6. The exhibits and this order 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 persons other than Ashton A.J. Brehm will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated at Edmonton, Alberta, on April 9, 2020.

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William Hendsbee, QC

**IN THE MATTER OF THE *LEGAL PROFESSION ACT***  
**AND IN THE MATTER OF A HEARING REGARDING**  
**THE CONDUCT OF ASHTON A.J. BREHM**  
**A STUDENT-AT-LAW MEMBER OF THE LAW SOCIETY OF ALBERTA**  
**HE20190273**

**STATEMENT OF ADMITTED FACTS**  
**AND ADMISSION OF CONDUCT DESERVING OF SANCTION**

**BACKGROUND**

1. I obtained my Law Degree from the University of Saskatchewan in 2018.
2. I applied to become a student-at-law of the Law Society of Alberta on March 23, 2018 and on July 3, 2018 I commenced my articles at a large firm. I articulated with that firm until March 25, 2019, when I took a leave of absence. On July 3, 2019, my articles with the firm were terminated. I have not completed my term of articles.

**CITATIONS**

3. I am facing three citations arising from a Law Society complaint, as follows:

**CO20190795**

1. It is alleged Ashton A.J. Brehm was dishonest with CPLED staff and that such conduct is deserving of sanction.
2. It is alleged Ashton A.J. Brehm communicated with CPLED staff and other parties in a manner that lacked courtesy and that such conduct is deserving of sanction.
3. It is alleged Ashton A.J. Brehm breached CPLED's Professional Integrity Policy and that such conduct is deserving of sanction.

**ADMITTED FACTS**

4. As part of my acceptance into the Canadian Centre for Professional Legal Education program ("CPLED") I signed an agreement to comply with the program's Professional Integrity Policy ("PIP"), which prohibits students from disclosing or discussing Competency Evaluation Documents with anyone except the CPLED Director or CPLED staff.

5. Communication for CPLED is done through Dropbox. On November 6 and December 13, 2018 CPLED staff posted in my Dropbox the re-marking sheets for my Competency Evaluation exams in Drafting Contracts and Drafting Pleadings. I had been graded “competency not yet demonstrated” for each of these modules.
6. I did not check my CPLED Dropbox until March 11, 2019. Upon learning that I had not passed the two exams, I e-mailed the CPLED Student Coordinator, C.E., indicating I was “beyond baffled by these evaluations” and the lack of feedback provided.
7. C.E. responded to me indicating that competency evaluations measure attainment of a competency threshold and as such, no feedback is provided on those exams. C.E. advised that I could do a supplemental exam with a new evaluator and suggested that I discuss the matter with my principal noting that I could discuss everything but the CE documents themselves.
8. In my response to C.E. on March 12, 2019, I stated the following:

...I would be remised (sic) if I did not add again that my evaluations were complete and, as you have suggested I do, I have reached out to two lawyers to discuss. Both of which found that the requirements of the assignment were addressed while noting that the submission could have been more polished. This has led me to question whether the evaluators actually read my submissions, and if so how thoroughly. These lawyers were both equally as disappointed with the CPLED evaluation as myself, and it goes without saying that this significantly reduces one’s faith in the CPLED evaluation process going forward. I say all this in a constructive manner in the hopes that this feedback improves CPLED’s approach in the future.
9. C.E. brought my email to the attention of C.S., Interim Executive Director of the Legal Education Society of Alberta. C.S. in turn asked me to address the issue of my breach of PIP in showing my Competency Evaluation assignments to two lawyers. I responded on March 12, 2019 by e-mail, stating:

...I think you might be referring to the my (sic) reference to discussing my results with two other lawyers. I will be completely forthcoming, this was a lie that I made up out of frustration and I should not have done it. I was hoping to get my point across that the feed provided of “incomplete” is not useful for understanding where I have went wrong. I thought it was an innocent lie that would help add value to the opinion of a mere articling student. I sincerely apologize.
10. I then had communications with C.S. in which she pointed out to me that the CPLED Student Guide detailed that Competency Evaluation exams were intended to be summative evaluations and not development exercises for which a student would receive feedback. She further noted that substantive feedback would have been available to me if I had chosen to complete the assignments for the modules.

11. C.S. determined that I would be allowed to continue in the CPLED program, but I would be required to complete an ethics-based research assignment as an additional requirement. I completed that assignment on June 27, 2019.
12. On March 22, 2019, C.S. reported my breach of the CPLED Professional Integrity Policy to the Law Society of Alberta as required by section 61(1) of the Rules of the Law Society.
13. On March 27, 2019, on the advice of counsel, I wrote a letter to the Law Society admitting my dishonesty and disrespectfulness toward CPLED staff.
14. In my March 27, 2019 letter to the Law Society, I also disclosed a number of additional breaches of CPLED's PIP as follows:
  - a. On September 11, 2018, I sent articling students E.T., T.M. and M.H. a research memo regarding the issues relevant to the Legal Research and Writing Competency Evaluation.
  - b. In November 2018, via text messages, I discussed the Drafting Contracts Competency Evaluation with two articling students, A.P. and E.T.
  - c. On November 14, 2018, I sent the final form of my Drafting Contracts Competency Evaluation by email to E.T.
  - d. On December 18, 2018, via text messages, I discussed the Written Advocacy and Advice Competency Evaluation with A.P.
  - e. On December 18, 2018, I had a legal assistant proofread and provide recommended revisions to my Written Advocacy and Advice Competency Evaluation.
  - f. In February 2019, via text messages, I provided articling student C.H. with samples of the types of questions asked in the Practice Management Competency Evaluation and engaged in discussions with C.H. about the content of the module.
15. My March 27, 2019 letter to the Law Society attached a series of text exchanges with articling student T.M. on February 5, 2019 and March 11, 2019 which contained discourteous and disrespectful comments about CPLED.

### **ADMISSION OF CONDUCT DESERVING OF SANCTION**

16. I admit the above facts for the purposes of these proceedings and section 60 of the *Legal Profession Act*.
17. I admit that I was dishonest with CPLED staff and that such conduct is deserving of sanction.

18. I admit that I communicated with CPLED staff and other parties in a manner that lacked courtesy and that such conduct is deserving of sanction.
19. I admit that I breached CPLED's Professional Integrity Policy and that such conduct is conduct deserving of sanction.
20. I acknowledge I have had the opportunity to consult legal counsel and that I have consulted legal counsel.
21. I acknowledge that I have signed this Statement freely and voluntarily.
22. I acknowledge that I understand the nature and consequences of this Admission.
23. I acknowledge that, although entitled to deference, a Hearing Committee is not bound to accept a joint submission on sanction.

This Statement of Admitted Facts and Admission of Conduct Deserving of Sanction is dated the 31 day of January, 2020.

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Witness

"Ashton Brehm"  
Ashton A.J. Brehm

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**Reprimand**

Mr. Brehm, the Hearing Guide of the Law Society requires that a hearing committee take a purposeful approach to sanctioning a member found guilty of conduct deserving of sanction. The fundamental purpose of sanctioning is the protection of the public interest, as well as the protection and reputation of the legal profession generally.

A joint submission on sanction is to be given deference. I have taken into account the submissions made today by your counsel, by the LSA counsel and by yourself. Further, your cooperation in proceeding with today's process helped to avoid unnecessary hearing costs, as well as avoiding any inconvenience and stress to those affected by your actions. In light of these circumstances, I conclude that it is in the public interest to accept the joint submission.

Mr. Brehm, I'm particularly concerned with your actions, given that they occurred so early in your professional legal career. I understand that the articling year presents significant stressors; however, the life of a practicing lawyer is often stress filled, and you will need to be prepared to deal with these stressors should you continue with a legal career.

I'm pleased to hear that you have accepted responsibility for your actions and taken steps to deal with these issues going forward. As an independent regulator, it is crucial that the Law Society reinforce the obligation that our members have to the public we serve. In this instance, it is fortunate no member of the public was directly harmed by your actions; however, those actions reflect poorly on the profession as a whole, and you have damaged your reputation, as well as the reputation of the Law Society, and for that you are hereby reprimanded.

I am hopeful that this process has been of some benefit to you. I thank you for cooperating with the Law Society to resolve this matter expeditiously, and I wish you well as you move forward in the profession.