

**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 CATHERINE CHRISTENSEN
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Single Bencher Hearing Committee

Sony Ahluwalia – Chair

Appearances

Karen Hansen – Counsel for the Law Society of Alberta (LSA)
David Mercer, QC – Counsel for Catherine Christensen

Hearing Date

February 18, 2022

Hearing Location

Virtual Hearing

HEARING COMMITTEE REPORT - SANCTION

Overview

1. The following citations were directed to hearing by the Conduct Committee Panel on November 17, 2020:

CO20181131

- 1) It is alleged that Catherine M. Christensen's marketing is not consistent with a high standard of professionalism and that such conduct is deserving of sanction;

CO20182291

- 2) It is alleged that Catherine M. Christensen failed to provide conscientious and diligent legal services to her client and that such conduct is deserving of sanction.
- 3) It is alleged that Catherine M. Christensen improperly withdrew from representing a client and that such conduct is deserving of sanction.

2. On November 17, 2021, the Pre-hearing Conference Chair granted an application to consolidate Citations 2 and 3 into one citation reading:
 - 2) It is alleged that Catherine M. Christensen failed to provide conscientious and diligent legal services to her client and improperly withdrew from representing a client and that such conduct is deserving of sanction.
3. The LSA and Ms. Christensen entered into a Statement of Admitted Facts and Admission of Guilt (the Agreed Statement) in relation to Ms. Christensen's conduct. The Agreed Statement sets out the relevant facts, as summarized below.
4. The Conduct Committee found the Agreed Statement acceptable. Accordingly, pursuant to section 60(4) of the *Legal Profession Act (Act)*, it is deemed to be a finding of this Hearing Committee (Committee) that Catherine M. Christensen's conduct is deserving of sanction in relation to the following citations:
 - 1) It is alleged that Catherine M. Christensen's marketing is not consistent with a high standard of professionalism and that such conduct is deserving of sanction;
 - 2) It is alleged that Catherine M. Christensen failed to provide conscientious and diligent legal services to her client and improperly withdrew from representing a client and that such conduct is deserving of sanction.
5. On February 18, 2022, the Committee convened a hearing into the appropriate sanction.
6. After reviewing all of the evidence and exhibits and hearing the submissions of the LSA and Counsel for Ms. Christensen, for the reasons set out below, the Committee has determined that a reprimand, fine and hearing costs is an appropriate sanction in this matter.

Preliminary Matters

7. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested so a public hearing into the appropriate sanction proceeded.

Agreed Statement/Background

8. After the commencement of proceedings in relation to Ms. Christensen's conduct, the parties submitted the Agreed Statement. The Conduct Committee found the Agreed Statement acceptable on December 7, 2021. Pursuant to subsection 60(4) of the *Act*, each admission of guilt in the Agreed Statement is deemed to be a finding by this Committee that Ms. Christensen's conduct is deserving of sanction under section 49 of the *Act*.

9. As provided by section 60(3) of the *Act*, once the Agreed Statement was accepted by the Conduct Committee, the hearing into the appropriate sanction could be conducted by a single Benchler. As a result, I was appointed to conduct the sanction hearing.
10. To summarize the Agreed Statement, Ms. Christensen agrees that her conduct in marketing her family law practice included language that implied she only represented males and included language that was inappropriate and not consistent with a high standard of professionalism.
11. In addition, Ms. Christensen agrees that she failed to provide conscientious and diligent legal services to her client when she claimed to have filed a Certificate of Lis Pendens (“CLP”) with the Court and registered the same against the family home at the Land Titles Office in a Constructive Trust claim case.
12. Ms. Christensen also failed to provide conscientious and diligent legal services to her client and improperly withdrew from the case without informing her client that there was no CLP filed against the family home to protect her client’s interest in the same or advising her that the non-filing of the CLP placed her client’s Constructive Trust claim at risk.
13. Finally, Ms. Christensen failed to file a Notice of Withdrawal in the action and failed to respond to opposing counsel in the case. The family home was for sale at the time and Ms. Christensen’s client did not have sufficient time to retain and instruct replacement counsel to file the CLP.

Submissions on Sanction

14. Counsel for the LSA and Ms. Christensen presented a joint submission on sanction which included the following:
 - 1) A reprimand;
 - 2) A fine in the amount of \$1,000; and
 - 3) Costs in the amount of \$2,500.

Decision on Sanction

15. Counsel for the LSA and Ms. Christensen confirmed their understanding that the Committee is not bound by a joint submission on sanction. However, a hearing committee is required to give serious consideration to a joint submission, should not lightly disregard it and should accept it unless it is unfit or unreasonable, contrary to the public interest, or there are good and cogent reasons for rejecting it.
16. The approach taken by both Ms. Christensen and the LSA in dealing with this matter through the Agreed Statement also avoided an unnecessary contested hearing, witness inconvenience, and process costs.

17. The Committee concludes that for all the circumstances and considerations laid out in the reprimand, it is in the public interest to accept the joint submission. Accordingly, I order a reprimand, fine of \$1,000 and costs of \$2,500. The reprimand was delivered at the time of the hearing (Schedule 1).

Concluding Matters

18. Ms. Christensen will have 60 days from the date of the hearing to pay the fine and costs.
19. I agree with LSA counsel that a notice to the profession is not required and there is certainly no need for a referral to the Attorney General in this case.
20. The exhibits, other hearing materials, 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 persons other than Ms. Christensen will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated at Edmonton, Alberta, March 8, 2022.

Sony Singh Ahluwalia

Reprimand

Ms. Christensen, as a regulator, the Law Society of Alberta has two principal duties we must always be aware of: The need to protect the interests of the public and the need to protect and maintain the reputation of the legal profession.

I can tell you once again, as I mentioned, the need to protect the interests of the public and the need to protect and maintain the reputation of the legal profession, it is the underpinning here. Your conduct in this matter engaged both of those considerations.

As lawyers, we have a great privilege of being a self-regulating profession, but that privilege can be lost if our members do not uphold the principles upon which we have built the profession and which are the cornerstone of the Law Society as an institution.

Your conduct as it related to marketing showed a lack of professionalism and a lack of respect for the profession. Your conduct with respect to your client specifically placed your client at serious risk, as well as cause a degradation of trust the client had in you, and I would say further, the trust the client has in family law lawyers in general. These behaviours can bring great discredit to our profession as a whole.

I note that these concerns were mitigated in part by your admission to the conduct and the fact you have no prior disciplinary record, and most importantly, that you are working cooperatively with counsel for the Law Society of Alberta to get to where we are now.

A joint submission on sanction is to be given deference, and you have admitted guilt to two citations; however, your cooperation in proceeding with the process today helped to avoid unnecessary hearing costs and time and inconvenience to other parties or witnesses, as well as process costs, and I really appreciate that. I conclude that in light of all these circumstances, it is in the public interest then to accept the joint submission.

Ms. Christensen, your conduct in this matter failed to meet the high standards that the Law Society and its members seek to maintain for the protection of the public, but I also note that your actions were not intentional and I have noted that from the presentation of both counsel, and I thank you for that.

I note that you did file a CLP with the Court, but it was not registered, so it tells me that you had addressed your mind to that, and so I find that your conduct was not deceitful or intentional.

Mr. Mercer had provided information about your practice at the time and I believe that it was a result of several factors that came together, including personal and professional affects that were in your life at the time.

I'm pleased to learn that you have drank the Kool-Aid, as your counsel has mentioned, and I dare say that we all have been in that position.

I take note also that this occurrence happened at a time in your life when you were quite new to the profession. And it is commonplace and, therefore, worth noting, but I also appreciate the fact

that you have sought out the assistance of the Practice Advisory service and other members for support and advice.

I also note that you are respected in the profession and you are respected in the community. You are working with veterans. You have shown diligence in your work there and your continuance to focus as you have. You have done work to enhance how the public views the profession, and that's appreciated because as you probably have learned, while you can stop working as a lawyer, you are still viewed as a lawyer wherever you go once they know you as a lawyer. So I think what you do personally is also reflected in how you work as a lawyer and the work that you have done to enhance how the profession is viewed in that respect is appreciated, and I take note of that.

I also take note of the fact that in all of the work that you have done since and the conduct that you have engaged in by seeking out the Practice Advisory service and other members for support and advice has shown me that you are diligently working to be where you are and to work with constant application to being a good lawyer, and it appears that that's where you are. I hear Mr. Mercer's comments that you are not a frequent flyer and I have faith in that. And, ma'am, I wish you all the best in your future as a lawyer.