

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

AND

**IN THE MATTER OF A SECTION 61 RESIGNATION APPLICATION
REGARDING LAURIE CUNNINGHAM
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Resignation Committee

Ken Warren, QC – Chair (Bencher)
Lou Cusano, QC – Committee Member (Bencher)
Elizabeth Hak – Committee Member (Lay Bencher)

Appearances

Christa Milne – Counsel for the Law Society of Alberta (LSA)
Dib Aytenfisu – Counsel for Laurie Cunningham

Hearing Date

May 4, 2021

Hearing Location

Virtual Hearing

RESIGNATION COMMITTEE REPORT

Overview

1. Laurie Cunningham was admitted as a member of the LSA on August 8, 2003. She was employed by two law firms in succession until she opened her own practice as a sole practitioner on March 11, 2009. She practiced in Edmonton primarily in the area of family law until August 31, 2017. On November 9, 2017, Ms. Cunningham self-reported to the LSA that she had been charged with an indictable offence. A formal complaint was opened by the LSA in relation to that charge. Ms. Cunningham's status with the LSA was inactive/non-practicing from November 10, 2017 to March 15, 2018, at which time she was suspended for non-payment of fees.
2. On February 3, 2020, Ms. Cunningham pled guilty to manslaughter pursuant to section 236(b) of the Criminal Code, RSC (1985) c C-46. On February 5, 2020, she was sentenced to five years imprisonment and was automatically suspended on that date pursuant to section 83(7) of the *Legal Profession Act*, RSA 2000, c. L-8 (the "Act"). She did not appeal her sentence.

3. Laurie Cunningham applied for resignation from the LSA, pursuant to section 61 of the *Act*. This Resignation Committee (the "Committee") was constituted to hear her application.
4. At the time of this hearing, Ms. Cunningham had a disciplinary record with the LSA, having been found guilty of 6 citations in August 2019.
5. After reviewing all of the evidence and exhibits, and hearing the submissions of counsel for the LSA and counsel for the member, the Committee allowed the application pursuant to section 61 of the *Act* with oral reasons, and advised that a written decision would follow. This is that written decision.

Preliminary Matters

6. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested so a public hearing of Ms. Cunningham's resignation application proceeded.
7. The requisite application and statutory declaration by Ms. Cunningham pursuant to section 92(1) of the Rules of the LSA (Rules) was submitted.

Citations

8. At the time of this hearing Ms. Cunningham was not facing any citations but her conduct was the subject of proceedings under division 1 of part 3 of the *Act*.

Statement of Facts

9. Ms. Cunningham agreed to a Statement of Facts (attached as Schedule 1) in support of her section 61 resignation application.

The Evidence

10. No oral evidence was received by the Committee.

The Submissions of the Parties

11. LSA counsel supported Ms. Cunningham's application for resignation, agreeing that her resignation pursuant to section 61 of the *Act* served the public interest. As such, the Committee considers this application to be tantamount to a joint submission and therefore deserving of deference, unless it would bring the administration of justice into disrepute or is otherwise contrary to the public interest: *Law Society of Alberta v. Kramar*, 2020 ABL 31 at paragraph 19, citing *R. v. Anthony-Cook*, 2016 SCC 43.

Analysis

12. The issue to be determined by this Committee is whether it is in the best interests of the public to permit Ms. Cunningham to resign pursuant to section 61 of the *Act* in the face of serious unresolved conduct matters.
13. Based upon the Statement of Facts, including Exhibits 7 and 8, the Committee finds that:
 - (a) On November 7, 2017, Ms. Cunningham caused the death of a man with whom she was in a romantic relationship;
 - (b) Substance abuse and addiction issues suffered by Ms. Cunningham were factors in her conduct;
 - (c) Following her arrest, she took considerable, and successful, strides to rehabilitate herself;
 - (d) During her sentencing hearing, Ms. Cunningham expressed sincere remorse for her actions;
 - (e) She was assessed to be of low risk for future violent or non-violent offences; and
 - (f) She had strong support in the community and from her friends and family.
14. Ms. Cunningham's counsel advised the Committee that she had no intention of seeking to return to the practice of law. The tragic events of that evening have ended her legal career.
15. Pursuant to section 83(4) of the *Act*, if a member is convicted of an indictable offence, the benchers may order a suspension or that the member be disbarred. The Committee is satisfied that in this case, Ms. Cunningham would in all probability be disbarred. Pursuant to section 1(c) of the *Act*, the resignation of a member pursuant to section 61 is deemed to amount to a disbarment. It is in the best interests of the public to permit Ms. Cunningham to resign pursuant to section 61 as opposed to facing a disbarment hearing pursuant to section 83(4). The Committee finds the joint submission with respect to the appropriateness of the section 61 application to be reasonable.

Decision

16. The Committee finds that the Statement of Facts is in an acceptable form.
17. Based on the evidence established by the Statement of Facts, the Committee determines that it is in the best interests of the public to accept the application of Ms. Cunningham to resign pursuant to section 61 of the *Act*, effective May 4, 2021.
18. The Committee accepts the undertakings made by Ms. Cunningham.

19. The Committee reviewed the estimated costs of hearing this application, as prepared by the LSA. The estimated Statement of Costs entered as Exhibit 10 was amended at the Committee's request to reflect the actual hearing time, which was shorter than that estimated prior to the hearing. A revised Statement of Costs in the amount of \$2,073.75 was approved by the Chair of the Committee. Counsel for the LSA and counsel for Ms. Cunningham jointly submitted that the costs should not be payable by Ms. Cunningham unless she sought to be relieved of her undertaking not to re-apply for admission to the LSA. Again, the Committee owes deference to the joint submission and accepts it as reasonable in all of the circumstances.
20. Pursuant to section 61(3) of the *Act*, the Committee directs that the following information to be entered into the roll:
 - (a) The roll shall reflect that Ms. Cunningham's application under section 61 of the *Act* was allowed on May 4, 2021; and
 - (b) Details of this decision shall be noted in the roll, including the Statement of Facts put before this Committee.

Concluding Matters

21. The Statement of Facts, Exhibit 6D, references Exhibits 7 and 8 that relate to the criminal proceedings. Exhibit 7 is the Agreed Statement of Admissions that was filed with the Court of Queen's Bench with respect to Ms. Cunningham's guilty plea and Exhibit 8 is a copy of the transcript of the sentencing proceedings before Justice [B]. At the request of counsel for the parties, the Statement of Facts posted to the LSA website will not include Exhibits 7 and 8.
22. 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. Cunningham will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).
23. A Notice to the Profession will be issued.
24. A Notice to the Attorney General is not required.
25. The Committee thanks Ms. Cunningham and her counsel for their handling of the application and wishes Ms. Cunningham good health as she continues her recovery and rehabilitation.

Dated at Calgary, Alberta, May 11, 2021

Ken Warren, QC

Lou Cusano, QC

Elizabeth Hak

IN THE MATTER OF THE *LEGAL PROFESSION ACT*

-AND-

**IN THE MATTER OF A RESIGNATION APPLICATION BY
LAURIE J. CUNNINGHAM,
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

STATEMENT OF FACTS

1. I was admitted as a member of the Law Society of Alberta on August 8, 2003.
2. I maintained active/practising status with the Law Society of Alberta until November 10, 2017 when I became an inactive/non-practising member.
3. I commenced employment as a lawyer with [R] Law Office from September 5, 2003 until late 2007 – early 2008. I was then employed with [A] & Company from late 2007 – early 2008 until March 11, 2009. I then practiced as a sole practitioner from March 11, 2009 until August 31, 2017.
4. On November 9, 2017, I self-reported to the Law Society that I had been charged with an indictable offence. A formal complaint was opened by the Law Society in relation to this charge.
5. On February 3, 2020, I pled guilty to manslaughter pursuant to s. 236(b) of the *Criminal Code*, an indictable offence.
6. A detailed account of the facts leading to my criminal conviction is provided in Exhibit 7, which is the Agreed Statement of Admissions that was filed with the Court of Queen's Bench and was used as the basis of my guilty plea and sentencing in the matter.
7. On February 5, 2020, I was sentenced to 5 years imprisonment by the Honourable Madam Justice [B]. A copy of the transcript of the sentencing proceedings is attached as Exhibit 8.
8. I did not appeal my conviction or my sentence and the appeal period has now expired. I am presently serving my prison sentence.
9. On August 31, 2017, I signed an undertaking not to practice law until certain conditions were met. I have not practiced law since this date.
10. On November 10, 2017, I elected to become an inactive member of the Law Society.
11. On March 15, 2018 I was suspended for non-payment of fees. On February 5, 2020, I was further and automatically suspended due to being convicted of an indictable offence pursuant to Section 83(7) of the *Legal Profession Act*.
12. I will not be returning to the practice of law.
13. No citations have been issued against me in relation to my criminal conviction.

Conclusion

14. I have applied to resign as a member of the Law Society of Alberta pursuant to Section 61 of the *Legal Profession Act* and I admit all of the contents of this Statement of Facts and of Exhibit 7, which together are tendered as an admission of facts in support of my resignation application.
15. I acknowledge that I have read Section 61 of the *Legal Profession Act* and have considered that my resignation application is a deemed disbarment pursuant to the definition of “disbar” in Section 1(c) of the *Act*.
16. I agree that:
 - a. I have received independent legal advice regarding the implications of this application; and
 - b. I have signed this Statement of Facts voluntarily and without any compulsion or duress.

ALL OF THESE FACTS ARE ADMITTED THIS 23 DAY OF February, 2021.

Witness to the signature of
Laurie J. Cunningham

“Laurie Cunningham”
Laurie J. Cunningham