

**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 KENNETH LEDREW
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Hearing Committee

Robert Philp, KC – Chair
Michael Mannas –Adjudicator
Louise Wasylenko – Lay Bencher

Appearances

Shanna Hunka – Counsel for the Law Society of Alberta (LSA)
Kenneth LeDrew – Self-represented

Hearing Date

August 25, 2023

Hearing Location

Virtual Hearing

HEARING COMMITTEE REPORT

Overview

1. The following citations were directed to hearing by the Conduct Committee Panel on September 14, 2021:
 - 1) It is alleged that Kenneth P. LeDrew engaged in conduct that brings discredit to the profession, and that such conduct is deserving of sanction.
 - 2) It is alleged that Kenneth P. LeDrew failed to provide legal services to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently and in a timely manner, and that such conduct is deserving of sanction.
 - 3) It is alleged that Kenneth P. LeDrew's communications were inconsistent with the proper tone of a professional communication from a lawyer, and that such conduct is deserving of sanction.
 - 4) It is alleged that Kenneth P. LeDrew failed to respond promptly and completely to communications from the Law Society, and that such conduct is deserving of

sanction.

- 5) It is alleged that Kenneth P. LeDrew failed to be candid with the Law Society and that such conduct is deserving of sanction.
2. Kenneth LeDrew was admitted to the LSA on May 23, 2003. He was inactive from July 2003 to November 17, 2016. On or about March 15, 2017, he was suspended for non-payment of fees. He became active again on March 21, 2017. Mr. LeDrew became inactive again from February 8, 2018, until April 9, 2019. On December 3, 2019, Mr. LeDrew appeared in Provincial Court Family Division apparently intoxicated. The events of December 3, 2019, and the matters that followed resulted in the five citations enumerated above.
3. On January 16, 2020, Mr. LeDrew became an inactive member of the LSA. On February 3, 2020, a Custodianship Order was issued for Mr. LeDrew's practice. On March 15, 2020 he was subsequently suspended for failure to pay his inactive fees. He paid his inactive fees on May 25, 2020, and again became an inactive member. On March 15, 2021, Mr. LeDrew was again suspended for failure to pay inactive fees.
4. Mr. LeDrew currently appears to be residing and practicing in the Province of Newfoundland and Labrador.
5. Mr. LeDrew was provided with many notices of the hearing, including a revised Notice to Attend directing him to appear as follows:

August 25, 2023
Starting at 8:00 a.m. MDT
Virtual Hearing via Zoom
6. On August 25, 2023, the Hearing Committee (Committee) convened for a hearing into the conduct of Kenneth LeDrew on the citations set out in paragraph 1 of this decision.
7. Mr. LeDrew did not enter an appearance or appear by way of counsel in these proceedings.

Preliminary Matters

8. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested. The hearing proceeded as a public hearing.
9. Mr. LeDrew did not attend the hearing. Ms. Hunka addressed Mr. LeDrew's absence at the hearing as follows:
 - a. Mr. LeDrew has advised Ms. Hunka numerous times over the past months, as

- recently as day before the hearing that he will not be attending.
- b. Mr. LeDrew has been a no-show for all scheduled Pre-Hearing Conferences.
 - c. Mr. LeDrew has repeatedly responded to every email forwarded to him, sometimes on several occasions, advising that he has a medical condition that prevents him from participating.
 - d. Mr. LeDrew has also repeatedly stated that he has resigned that there is no point to these proceedings.
 - e. Ms. Hunka has advised Mr. LeDrew that he cannot just resign in the face of citations, that there is a procedure set out under either section 32 or 61, and he has to follow that procedure. He has been provided materials to do so on several occasions by Ms. Hunka and by previous LSA counsel.
 - f. With respect to the medical conditions, Ms. Hunka states that she advised Mr. LeDrew he had 3 choices:
 - To bring a further abeyance application;
 - To formally resign using that medical condition under section 32 as explanatory notation; and
 - Failing either of the above, the hearing would proceed and he could utilize that medical condition as either an explanation or justification or a mitigating circumstance at the hearing.
 - g. To date, neither Ms. Hunka nor the Tribunal Office have been provided with proper information regarding his medical condition.
 - h. Mr. LeDrew is aware the hearing is virtual and that the citations are serious.
10. Given that the Committee is satisfied that Mr. LeDrew received proper and adequate notice of the hearing and considering Ms. Hunka's submissions as set out above, the Committee ordered that the hearing proceed in Mr. LeDrew's absence.

Evidence and Witness Testimony

11. The citations are based on a Court attendance in Medicine Hat on December 3, 2019 at which time Mr. LeDrew was representing KC, the mother in a family dispute with RW, the self-represented father in the matter. During his appearance on this matter, Mr. LeDrew appeared to the witnesses to be intoxicated. He made numerous disparaging, inappropriate and profane comments toward RW, including an inappropriate finger gesture.
12. LSA counsel called six witnesses to speak to the five citations. The witnesses were:
- The Complainant, RW, the opposing party/father in a family law matter.
 - KC, Mr. LeDrew's client on December 13, 2019, the mother in the family law matter.
 - BB, DC and RH, three members of the bar and witnesses to events on December 13, 2019.
 - BA, investigator for the LSA.

13. RW gave the following evidence:

- Mr. LeDrew sat behind him in the Courtroom on December 3, 2019 and started stating things like “you’re never going to get your kids” in a very aggressive and volatile tone.
- He smelled alcohol on Mr. LeDrew.
- Mr. LeDrew gestured at him with his middle finger.
- Mr. LeDrew continued to make disparaging comments like he was a “shitty father” and using vulgar language and swearing at him.
- Mr. LeDrew refused to accept documents RW was trying to give him.
- The presiding Judge had to tell Mr. LeDrew to sit down and quieten down.

14. KC, Mr. LeDrew’s client, was not only concerned about Mr. LeDrew’s conduct on December 3, 2019, but also with respect to his general representation of her throughout the matter. KC gave the following evidence:

- KC testified that she was greatly distressed by Mr. LeDrew’s behaviour on December 3, 2019. She testified that Mr. LeDrew’s action and behaviour did not reflect her personal values.
- Mr. LeDrew was unprofessional in her opinion.
- Mr. LeDrew was hostile and angry in Court and accused her ex of being a bad father. She heard him saying something about turning her ex into fish food. He appeared to be drunk.
- KC stated she felt she had to stand up and say this was not representative of her or her values. She was scared that the Judge would think what Mr. LeDrew was stating was representative of her.
- Before December 3, 2019, Mr. LeDrew had her write up her own affidavits, had said something about drowning her ex in Russian vodka and made other inappropriate comments, including comments about her appearance that made her feel uncomfortable.
- After the December 3, 2019 appearance, KC immediately called Legal Aid and requested a new lawyer.

15. BB’s evidence included the following:

- BB was acting as duty counsel on December 3, 2019 in the subject Courtroom.
- Prior to Court that day, BB met with MM, another client of Mr. LeDrew who had mentioned to BB that she had concerns regarding her counsel. MM thought Mr. LeDrew was drunk.
- BB observed Mr. LeDrew acting on the RW/KC matter and saw Mr. LeDrew gesture with his middle finger to RW.
- While making submissions, BB observed Mr. LeDrew being overly zealous and

- agitated. Mr. LeDrew also made personal and inappropriate attacks on RW.
- Mr. LeDrew appeared disheveled.
 - The presiding Judge was extremely direct with Mr. LeDrew to get him to stop interrupting.
 - When MM's matter was called, Mr. LeDrew had already left the courtroom and the sheriff had to go get him.
 - BB advised the Court MM was asking to be appointed new counsel as MM thought her counsel may be drunk. The presiding Judge agreed that Mr. LeDrew was acting in a way that indicated he was drunk.
 - BB spoke with other lawyers present about contacting LSA about Mr. LeDrew.

16. DC's testimony included the following recollections of December 3, 2019 Court attendance:

- Mr. LeDrew argued with the opposing self-represented party, making derogatory remarks about the parenting of that man, interrupting presiding Judge and the self-represented party who was making submissions.
- Mr. LeDrew's client had to speak up and correct Mr. LeDrew in Court.
- The presiding Judge had to warn Mr. LeDrew of his behaviour.
- DC did not smell alcohol on Mr. LeDrew but observed him to be animated in the way he was speaking which would not be inconsistent with somebody who had been consuming alcohol.
- Afterwards, DC spoke to the presiding Judge who stated that he would talk to Mr. LeDrew about self-reporting to LSA and getting help.

17. RH gave the following evidence:

- RH was in Court on December 3, 2019 representing the children of KC and RW in the matter.
- RH observed RW trying to hand over something to Mr. LeDrew and saw Mr. LeDrew gesture in return with the middle finger.
- RH recalls that as the application was proceeding there was antagonism between RW and Mr. LeDrew but "it was apparent to me that Mr. LeDrew was making the matters more difficult than they needed to be."
- Mr. LeDrew attacked RW's character.
- The presiding Judge had to interject and told Mr. LeDrew he could find him in contempt.
- Mr. LeDrew left after the RW/KC matter and RH stated he had to go get Mr. LeDrew for the MM matter.
- RH got a call from the presiding Judge who wanted to make sure Mr. LeDrew was okay.

18. BA, the LSA investigator gave the following evidence:

- Mr. LeDrew told another LSA investigator that he was “impaired by alcohol that day” and wanted help.
- Mr. LeDrew was asked for medical history from residential treatment program and it was never provided.
- While Mr. LeDrew was supposedly at a residential treatment program, he posted on social media his arrival in Newfoundland.
- Mr. LeDrew was not helpful or cooperative with the investigators in this matter in scheduling or attending interviews, providing documentation, and replying to correspondence.

Submissions of LSA, Analysis and Decision

19. The witnesses to the December 3, 2019, events indicated they were quite distressed and disturbed by Mr. LeDrew’s apparent intoxicated behaviour, his stumbling and slurring his words. The witnesses described Mr. LeDrew as antagonistic and acknowledged the Court’s intervention, trying to get Mr. LeDrew to stop his behaviour and to get him to sit down. His own client KC was distressed by his behaviour. Counsel who testified, all expressed alarm at Mr. LeDrew’s conduct. They recall the Court cautioning Mr. LeDrew about his unprofessional behaviour and at least one of them recalls the presiding Judge stating the behaviour was bordering on contempt. The lawyers also confirmed that they discussed and then nominated DC to speak to the presiding Judge to make sure a report was made to the LSA. In fact, it was RW who made a complaint to the LSA on December 4, 2019.
20. As LSA counsel summed up, Mr. LeDrew was aggressive, interruptive in Court, volatile, making personal attacks against a self-represented person, using the middle finger and using profanities in Court.

Citation 1

21. On the first citation it is alleged Mr. LeDrew’s conduct brought discredit to the profession and brought the administration of justice into disrepute. LSA counsel asserts that Mr. LeDrew’s conduct brings discredit to the profession and refers to the following provisions and the related commentary of the LSA Code of Conduct (Code) for guidance:
 - a. Rule 2.1 Integrity – an abundance of commentary and guidance around the importance of lawyers acting with integrity and that not doing so impacts public confidence in the administration of justice and in the legal profession.
 - b. Rule 3.1-2 Competence – provide competent service to clients and under commentary, specifically, it says that not doing so brings discredit to the profession and brings the administration of justice into disrepute.
 - c. Rule 3.2 – Quality of service – The quality of service required of a lawyer is service that is competent, timely, conscientious, diligent, efficient and civil and

requires lawyers to avoid the use of intoxicants or drugs that interferes with or prejudices the lawyer's services to clients.

22. The evidence of the events of December 3, 2019, and what occurred, regardless of whether Mr. LeDrew was legally impaired, demonstrates that his conduct brings discredit to the profession.
23. Nothing that Mr. LeDrew did on December 3, 2019, served his client. The transcript of that date which was an exhibit before us reflects only irrational commentary and no cohesive legal argument. There was only aggressive and volatile commentary.
24. The transcript of December 3, 2019 alone is enough in itself to make out Citation 1, but the Committee also has the benefit of the evidence of the witnesses. The Committee is satisfied that Citation 1 has been made out. Mr. LeDrew is found to be guilty of conduct deserving of sanction on Citation 1.

Citation 2

25. Citation 2 relates to the necessary level of competence and the quality of service provided by Mr. LeDrew as per the previously mentioned Code provisions Rule 3.1 (competence) and Rule 3.2 (quality of service).
26. KC testified that Mr. LeDrew advised her that she would have to prepare her own Affidavit to be used in the matter with RW. Mr. LeDrew advised he had no secretary to prepare the Affidavit.
27. At the conclusion of the KC/RW matter on December 3, 2019, Mr. LeDrew left the courtroom notwithstanding that he had the MM matter on the Family Court Docket.
28. BB testified that MM, after viewing the KC matter, did not want Mr. LeDrew to appear on her matter. BB as duty counsel assisted in getting Mr. LeDrew off the record with respect to the MM matter.
29. The evidence clearly establishes Citation 2 that Mr. LeDrew failed to serve his clients to the level of a competent lawyer. Accordingly, the Committee finds him guilty of conduct deserving of sanction on Citation 2.

Citation 3

30. Citation 3 deals with communications befitting a lawyer and considers the need for proper tone in a professional communication by a lawyer. The following Code Provisions are relevant to Citation 3: Rule 5.1-1 (acting honorably), 5.1-6 (acting with courtesy and civility), 7.2-1 (courtesy and civility), 7.2-6 (prohibition against

communications which are abusive, offensive or inconsistent with the proper tone of a professional).

31. Mr. LeDrew did not uphold these values as evidenced by his comments in Court, the inappropriate middle finger gesture, the profanities, and the disparaging remarks to RW regarding his parenting abilities. This conduct clearly makes out a finding of guilt of conduct deserving of sanction on Citation 3.
32. In addition to the December 3, 2019, conduct, there was also KC's evidence about Mr. LeDrew's comments to her about her appearance and that she should be dating. These remarks are totally inappropriate and might well border on harassment. This is particularly alarming in conjunction with Mr. LeDrew's comments to KC that Mr. LeDrew wished to drown RW in Russian Vodka and turn him into fish food.

Citations 4 and 5

33. Citations 4 and 5 relate to Mr. LeDrew's obligation to cooperate with and be candid with the LSA.
34. Numerous efforts were made by LSA investigators to obtain documents, medical reports, or be provided releases to obtain reports from a residential treatment program. Mr. LeDrew provided none of these requested documents. There were interviews scheduled with Mr. LeDrew that he failed to attend.
35. During an August 2020 interview Mr. LeDrew chose to only answer what he believed to be appropriate or more importantly what he believed to be inappropriate to answer. Lawyers under investigation by the LSA do not determine relevance. The lawyer's obligation is to answer questions and to cooperate fully and that did not happen throughout this investigation.
36. The *Act*, the Rules of the LSA (Rules) and the Code mandate cooperation. This is not optional. For this reason, Citation 4 has been made out. Mr. LeDrew is guilty of conduct deserving of sanction on Citation 4.
37. The final citation concerns Mr. LeDrew failure to be candid with the LSA. Being candid means more than being truthful; it requires the member to be helpful, forthright, and truthful. The language in the Rules and the *Act* is mandatory not optional.
38. In the course of LSA's investigation in regard to the events of December 3, 2019, firstly, Mr. LeDrew admitted he was intoxicated, then he said he was just hungover and finally he suggested it was a combination of the medication he was taking.
39. It is unclear that Mr. LeDrew has ever attended a residential treatment program as he suggested he would. A screenshot of Mr. LeDrew flying out on March 22, 2020, to

Newfoundland and Labrador, the day after he was supposed to be admitted to residential treatment, is concerning.

40. In his interview with the investigator in August 2020, Mr. LeDrew is evasive about whether he actually took part in a residential treatment program. Mr. LeDrew has failed to be forthright or substantively candid with the LSA. Citation 5 in the view of the Committee is clearly made out. Mr. LeDrew is guilty of conduct deserving of sanction on Citation 5.
41. The Committee wishes to note that it is also unclear, because of his evasiveness and varying versions of explanations, whether Mr. LeDrew is in excellent health or has a medical condition. He cites his health as the reason for not participating in the LSA hearing process but appears to be an active, practicing lawyer in Newfoundland and Labrador.

Concluding Matters

42. The evidence with respect to all five Citations is overwhelming and uncontradicted. The Committee is satisfied that Mr. LeDrew is guilty of conduct deserving of sanction on all five citations. Accordingly, the Committee will reconvene to consider sanction at a later date.
43. 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 Mr. LeDrew will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated October 16, 2023.

Robert Philp, KC

Michael Mannas

Louise Wasylenko