

**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 RONALD BILLINGSLEY
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Hearing Committee

Deanna Steblyk, KC – Chair
Barbara McKinley – Former Lay Bencher
Anthony Young, KC – Former Bencher

Appearances

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

Hearing Date

August 22, 2023

Hearing Location

Virtual Hearing

HEARING COMMITTEE REPORT

Overview

1. The following citations were directed to hearing by a Conduct Committee Panel on January 17, 2023:
 - 1) It is alleged Ronald S. Billingsley failed to provide his client with thorough, conscientious, and diligent service and that such conduct is deserving of sanction.
 - 2) It is alleged Ronald S. Billingsley failed to provide his client with thorough, conscientious, candid, and diligent service and that such conduct is deserving of sanction.
2. Mr. Billingsley was admitted as a member of the LSA in November 2011. According to the records of the LSA, he is currently a sole practitioner in Edmonton.
3. The citations related to two of Mr. Billingsley's family law clients.

4. Mr. Billingsley executed a Statement of Admitted Facts and Admissions of Guilt (Statement) on June 15, 2023. He admitted both citations and admitted that the citations described conduct deserving of sanction.
5. On August 22, 2023, the Hearing Committee (Committee) convened a hearing into Mr. Billingsley's conduct, based on the two citations.
6. At the hearing, Mr. Billingsley and counsel for the LSA made a joint submission as to sanction, proposing that he be reprimanded and ordered to pay a fine of \$5000.00. They also jointly proposed that Mr. Billingsley be ordered to pay costs of \$3500.00.
7. After reviewing all of the evidence and exhibits and hearing submissions from both LSA counsel and Mr. Billingsley, for the reasons set out below, the Committee found Mr. Billingsley guilty of conduct deserving sanction on both citations pursuant to section 71 of the *Legal Profession Act (Act)*.
8. The Committee also found that, based on the facts of this case, the sanction jointly proposed by the parties was appropriate. Therefore, in accordance with section 72 of the *Act*, the Committee ordered that Mr. Billingsley be reprimanded and fined \$5000.00. The Committee also ordered that Mr. Billingsley must pay \$3500.00 in costs by August 22, 2024. The reprimand was delivered to Mr. Billingsley at the conclusion of the hearing and is appended to these reasons.

Preliminary Matters

9. There were no objections to the constitution of the Committee or its jurisdiction. A private hearing was not requested, so the hearing into Mr. Billingsley's conduct proceeded in public.

Agreed Statement of Facts/Background

Citation 1

10. In the Statement, Mr. Billingsley described the circumstances that led to the first citation. In essence, there was a failure of communication between Mr. Billingsley and his client, J.H., as to the appropriate steps to be taken in her divorce action, in particular with respect to obtaining disclosure from J.H.'s estranged spouse. In addition, Mr. Billingsley gave an undertaking to opposing counsel without obtaining J.H.'s instructions first and forwarded email correspondence he received from J.H. to opposing counsel without her consent.

Citation 2

11. In the Statement, Mr. Billingsley also described the circumstances that led to the second citation. His client, H.H., gave him express instructions concerning an Emergency Protection Order (EPO) that was in place against H.H. and negatively impacted his access to his children. However, Mr. Billingsley acted in direct opposition to H.H.'s instructions and agreed to an extension of the EPO on the basis that H.H. could later apply for a parenting order. It was Mr. Billingsley's view that his approach would be more efficient and cost-effective than the approach H.H. instructed him to take.
12. Mr. Billingsley acknowledged that there were failures in his communications with H.H. around the approach he intended to take despite H.H.'s instructions.

Decision on Merits

13. The Committee convened to discuss the Statement and concluded that it was in an acceptable form. In the Statement, Mr. Billingsley confirmed that:
 - he made his admissions voluntarily and understood their nature and consequences;
 - he unequivocally admitted guilt to the citations describing the conduct deserving of sanction;
 - he had the opportunity to consult legal counsel and provided the Statement on a free and voluntary basis; and
 - he understood the Committee was not bound by any joint submission on sanction.
14. The Committee was satisfied that the citations had been proven and that Mr. Billingsley was guilty of conduct deserving of sanction on both citations.

Submissions on Sanction

15. LSA counsel presented the parties' joint submission on sanction. In support of the submission, she noted that:
 - Mr. Billingsley had been exceedingly cooperative throughout the process and deserved recognition for his cooperation;
 - Mr. Billingsley has a discipline record from June 21, 2019, at which time he was found guilty of six counts of conduct deserving of sanction, some of which involved circumstances similar to the circumstances in this matter. He was

sanctioned with a reprimand and a fine of \$2000.00. He was also ordered to pay costs of \$866.25;

- In light of Mr. Billingsley's prior discipline record, the "step up" principle should apply with respect to the severity of the sanction ordered; and
- LSA counsel estimated the costs of this matter to exceed \$6000.00 but agreed to a lower amount in view of Mr. Billingsley's cooperation.

16. LSA counsel also cited and provided to the Committee copies of five comparable LSA decisions:

- *Law Society of Alberta v. Adair*, 2020 ABLS 7;
- *Law Society of Alberta v. Andresen*, 2021 ABLS 8;
- *Law Society of Alberta v. Bright*, 2015 ABLS 5;
- *Law Society of Alberta v. Makuch*, 2013 ABLS 10; and
- *Law Society of Alberta v. Sobol*, 2020 ABLS 33.

17. LSA counsel pointed out that all of the cited decisions involved similar citations concerning failures to provide clients with competent, conscientious, and diligent service, although some included additional citations. Three of the decisions (*Adair*, *Bright*, and *Sobol*) resulted in reprimands and orders to pay costs, but the respondents in those cases did not have prior disciplinary records. In *Andresen*, a relatively modest fine of \$1000.00 was added to the reprimand and costs order, and in *Makuch* (which involved a total of three citations, including one concerning deceiving the client), a fine of \$7500.00 was added to the reprimand and costs order.

18. The Committee queried LSA counsel as to the utility of a reprimand in this matter, given that Mr. Billingsley also received a reprimand in June 2019. She maintained that it was the best and most suitable option available in these circumstances (including Mr. Billingsley's cooperation), where any period of suspension would be too severe. The higher fine amount represented the "step up" from Mr. Billingsley's previous sanction.

19. In support of the joint submission, Mr. Billingsley spoke to both citations and acknowledged his mistakes. He suggested that they arose from lapses in judgment rather than ethical failings and said that he has learned from them.

Committee's Conclusion on Sanction

20. Based on the facts set out in the Statement, the comparable decisions cited, LSA counsel's submissions, Mr. Billingsley's cooperation and his expression of remorse, the Committee was satisfied that the jointly proposed sanction was appropriate. Although the Committee was not bound by the joint submission, it was given serious consideration and the Committee determined that it was acceptable. The Committee did not find that it was unfit or unreasonable, contrary to the public interest, or that there were any other good and cogent reasons to reject it.
21. Similarly, prior decisions are not binding, but the Committee was of the view that where possible, undue disparity from the results of decisions based on comparable facts should be avoided. The Committee was satisfied that the decisions cited were sufficiently comparable to Mr. Billingsley's conduct, and that they therefore provided reasonable guidance as to the appropriate sanction here.
22. The Committee delivered the reprimand at the hearing as follows:

Mr. Billingsley, the Panel is prepared to accept the joint submission on sanction as it is appropriate for the circumstances of this matter, in line with the prior comparable cases cited by Ms. Hunka, and it represents a step-up from the sanction you received in 2019 for somewhat similar conduct.

We also accept Ms. Hunka's representations concerning your extraordinary cooperation in resolving this matter efficiently. We often hear that respondent lawyers have been cooperative, but seldom in such glowing terms. It is therefore apparent to us that it is worthy of consideration.

The Panel acknowledges your open admissions of your mistakes, your willingness to own them, and your statement that you have learned from them. That said, we are greatly concerned that you are back before your regulator again for similar mistakes and errors in judgement and the fact that it suggests the previous reprimand you received had little impact.

Going forward we expect you to understand that your clients deserve respect even if you think they are being unreasonable, and that you have professional and ethical obligation to follow their instructions.

You may think you know better than they do as to what is best, and perhaps you do, but that does not change the fact that you work for them, and you must manage their files as they wish and not as you wish. If you

find that you simply cannot act in accordance with their instructions, your obligation is to withdraw from the file.

That said, it is also clear that you have had some difficulties communicating with certain clients, and you must work on that aspect of your practice to avoid situations like those that gave rise to these citations.

On the subject of respect, while we are satisfied that you have taken this proceeding seriously, as demonstrated by your willing admission of guilt and agreement to an appropriate sanction, we were somewhat taken aback by your earlier representation that your client has “flipped out” and your description of her voicing her concerns as something tantamount to blah, blah, blah. It is your obligation and the expectation of your regulator that you will handle your clients’ concerns more respectfully than that.

We also wish to encourage you to seek assistance from a more senior practitioner or the Law Society’s Practice Advisors when you are unsure of how to proceed with a matter. Someone like that might have advised you that you did not need to accept the trust condition in J.H.’s case and cautioned you, as we will here, that trust conditions are sacrosanct and must never be taken lightly.

You must ensure you are in control of the circumstances such that you can reasonably accept the trust condition and abide by it. In other words, it must be something that you can actually execute, and in some instances that will involve ensuring you have your client’s clear instructions before agreeing to it.

Mr. Billingsley, you have let your clients and your regulator down with your conduct in these two matters, and you must strive to make sure it does not happen again. I am sure you also let yourself down with these mistakes, and we appreciate your acceptance of the fact that you made mistakes and must rectify your behaviour going forward.

It is a privilege to be a member of this profession, and both the public and your regulator expect you to act accordingly. We sincerely hope that, as you have indicated this morning, you know you must do better, and you will do better. We wish you the best in making that happen and expect not to see you in front of another conducting hearing committee again in the future.

Concluding Matters

23. The appropriate sanction with respect to the two citations at issue herein is a reprimand and a fine of \$5000.00, which Mr. Billingsley indicated he would pay immediately. Mr. Billingsley is also ordered to pay costs of \$3500.00 by August 22, 2024.
24. There will be no Notice to the Profession or Notice to the Attorney General.
25. 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. Billingsley will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated October 13, 2023.

Deanna Steblyk, KC

Barbara McKinley

Anthony Young, KC