

**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 NYALL DABREO
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Hearing Committee

Mandy Kinzel – Chair and Lawyer Adjudicator
Michael Brodrick – Public Adjudicator
Scott Matheson – Bencher

Appearances

Will Cascadden, KC – Counsel for the Law Society of Alberta
C. John Hooker – Counsel for Nyall DaBreo

Hearing Date

January 19, 2026

Hearing Location

Virtual Hearing

HEARING COMMITTEE REPORT

Overview

1. The following citations were directed to hearing by the Conduct Committee Panel on July 16, 2024:
 - a) It is alleged that Nyall DaBreo brought the legal profession into disrepute and that such conduct is deserving of sanction.
 - b) It is alleged that Nyall DaBreo breached Rule 105 of the Rules of the Law Society of Alberta by failing to report that he was charged with a criminal offence and that such conduct is deserving of sanction.
 - c) It is alleged that Nyall DaBreo practiced law while administratively suspended and that such conduct is deserving of sanction.
2. On January 19, 2026, the Hearing Committee (Committee) of the Law Society of Alberta (LSA) convened a hearing into the conduct of Mr. DaBreo, based on the above citations. The parties entered into a Statement of Admitted Facts and Exhibits and Admissions of Guilt (Agreed Statement) dated November 23, 2025.

3. After reviewing the evidence and exhibits and hearing submissions of the parties, for the reasons set out below, the Committee finds Mr. DaBreo guilty of conduct deserving sanction on all citations, pursuant to section 71 of the *Legal Profession Act (Act)*.
4. The Committee orders that Mr. DaBreo be suspended for a period of two months, effective immediately (January 19, 2026) and pay costs in the amount of \$7,500.00.

Preliminary Matters

5. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested, so we proceeded in public.
6. No witnesses were called.

Background

7. Mr. DaBreo was admitted to the LSA on October 31, 2014, and his status is “Suspended – Failure to file Trust Safety Annual Report and Failure to complete mandatory education”.
8. Mr. DaBreo does not have a discipline record with the LSA.
9. On January 12, 2022, the LSA initiated a complaint about the conduct of Mr. DaBreo that resulted in citations 1 and 2 (LSA Complaint).
10. On March 6, 2023, the LSA received a conduct complaint from Mr. DaBreo’s former client resulting in citation 3 (Client Complaint).
11. The LSA subsequently investigated the complaints, and a panel of the Conduct Committee directed the three citations to be dealt with by a hearing committee.

Agreed Statement of Facts

12. On or about November 23, 2025, Mr. DaBreo and the LSA entered an Agreed Statement, pursuant to which, Mr. DaBreo admitted guilt to all citations. The Agreed Statement is summarized below.

Citations 1 and 2 – LSA Complaint

13. On January 5, 2022, police arrested Mr. DaBreo at the Calgary airport after a verbal altercation with airline staff; he was charged with causing a disturbance. He was under the influence of alcohol at the time.
14. After signing an appearance notice and being released, Mr. DaBreo stated to a police officer, “I wish your kids die in car accident, because I will make it happen.” On March

22, 2022, Mr. DaBreo was charged with uttering a threat to cause bodily harm against the police officer.

15. The Agreed Statement states the argument with the airline staff commenced over an absent negative COVID-19 test prior to boarding a flight to attend a funeral. When the police arrived, Mr. DaBreo stated an officer “slapped him twice” to which he became more verbal and said, “Don’t f**cking touch me.” Thereafter, he uttered the statement regarding the police officer’s children. Mr. DaBreo stated he should have filed a complaint against the officer and not uttered a threat.
16. On July 1, 2023, the Crown withdrew the charge for causing a disturbance, and Mr. DaBreo pled guilty to the charge of uttering a threat. He received a conditional discharge with six months’ probation inclusive of an order for counselling for psychological issues and alcohol abuse. Mr. DaBreo apologized to the police officer and has undergone counselling and is working through the Alcoholics Anonymous 12-step program.
17. Regarding citation two, the Agreed Statement indicates Mr. DaBreo failed to report to the LSA the charge of causing a disturbance as he mistakenly believed the charge of a summary criminal offence did not warrant reporting. Mr. DaBreo failed to report to the LSA the charge of uttering a threat until after he had pled guilty to that charge.

Citation 3 – Client Complaint

18. Mr. DaBreo entered into a retainer agreement for a criminal law matter with client CB and represented CB at a trial in March 2022 with the trial continuation scheduled for September 2022.
19. On July 1, 2022, Mr. DaBreo was administratively suspended for failing to file his trust safety annual report. Mr. DaBreo received an additional suspension notice for failing to complete “The Path” by October 31, 2022.
20. The Provincial Court in Edmonton confirmed Mr. DaBreo appeared in court on dates after his suspension. In relation to CB, Mr. DaBreo
 - a) appeared on September 1 and 8, 2022, to request adjournments;
 - b) appeared on October 26, 2022, setting trial continuation dates; and
 - c) between September 7 and October 26, 2022, exchanged emails with the Court, Crown prosecutors and agents to discuss his client’s matter.
21. At no point did Mr. DaBreo advise the Court or CB that he was administratively suspended but advised he was on medical leave or had health issues.

22. In addition to the above appearances for CB, the Provincial Court confirmed
- a) Mr. DaBreo was counsel of record for client BD on four Court appearances for which agents appeared on Mr. DaBreo's behalf throughout November 2022 to February 2023;
 - b) Mr. DaBreo exchanged emails with Crown Prosecutors in November and December 2022 regarding client BD;
 - c) Mr. DaBreo was counsel of record for client LT for one Court appearance on August 18, 2022, where an agent appeared on his behalf; and
 - d) Mr. DaBreo exchanged emails with a Crown Prosecutor and an agent in July and August 2022 regarding client LT.

Admissions of Fact, Guilt and Acknowledgements

23. Mr. DaBreo admits as facts the statements in the Agreed Statement and that such conduct is deserving of sanction.
24. Mr. DaBreo's Agreed Statement included the following acknowledgements.
- a) Mr. DaBreo unequivocally admits guilt to the essential elements of the citations describing the conduct deserving of sanction.
 - b) Mr. DaBreo signed the Agreed Statement freely and voluntarily, without compulsion or duress.
 - c) Mr. DaBreo understands the nature and consequences of the admissions in the Agreed Statement.
 - d) Mr. DaBreo understands that if there is a joint submission on sanction or any other matters, the Committee will show deference to it but is not bound by it.
 - e) Mr. DaBreo had the opportunity to consult with legal counsel.

Analysis and Decision on Conduct

25. The Committee convened to discuss the Agreed Statement. Pursuant to section 60 of the *Act* and section 47 of the LSA Pre-Hearing and Hearing Guideline, the Committee concluded the Agreed Statement was in an acceptable form and accepted the Agreed Statement into the hearing record.

26. Pursuant to section 60(4) of the *Act*, each admission of guilt in the Agreed Statement is deemed to be a finding by this Committee that Mr. DaBreo's conduct is deserving of sanction in relation to all citations set out in paragraph 1 above.

Analysis and Decision on Sanction

27. Counsel for the LSA and counsel for Mr. DaBreo presented a joint submission on sanction by agreeing the appropriate disposition would be a two-month suspension and costs.
28. With a reminder from counsel for the LSA of the decision of *Law Society of Alberta v Saleem*, 2023 ABLIS 3, reiterating the factors for assessing joint submissions pursuant to *R. v. Anthony-Cook*, 2016 SCC 43, counsel for the LSA and Mr. DaBreo confirmed their understanding that the Committee is not bound by a joint submission on sanction.
29. Counsel for LSA outlined cases regarding similar suspension periods for similar conduct:
- a) *Law Society of Alberta v Phillips*, 2010 ABLIS 22: A lawyer developed an alcohol addiction impairing her ability to provide competent legal services. She was charged with several criminal offences on several occasions. She failed to report the criminal matters to the LSA and had additional conduct citations. The hearing committee concurred with the joint submission on sanction and ordered a suspension of three months and conditions for reinstatement inclusive of fitness for practice.
 - b) *Law Society of Alberta v Ottewell*, 2021 ABLIS 6: A lawyer failed to report criminal charges to the LSA, withdrew money from trust without sending statements of accounts, and failed to provide competent, timely, conscientious, and diligent services to his clients. The hearing committee agreed with the joint submission on sanction and ordered a suspension of two months and costs.
30. Counsel for the LSA outlined factors placing Mr. DaBreo's conduct in the appropriate range of a suspension of two months. In relation to *Phillips*, counsel advised Mr. DaBreo was charged with only two offences and one offence was dropped. In relation to *Ottewell*, counsel advised Mr. DaBreo's conduct did not rise the same level as *Ottewell's* and while *Ottewell* is of assistance, it is not identical to the current matter.
31. The Committee inquired about the application of *Phillips* and *Ottewell* as sufficient comparer matters. In *Ottewell*, there was proven prejudice to the client, the criminal charges were more serious than Mr. DaBreo's criminal conviction, and the committee "reluctantly" accepted the joint submission.
32. Counsel for the LSA agreed that cases on questions of sanctions are not precedent but provide the Committee with a demonstration of the range of sanctions for comparable

conduct and while they are not binding, they are not of limited assistance as the committee in *Ottewell* did accept the joint submission.

33. The Committee outlined in *Phillips* the committee did not refer to *R. v. Anthony-Cook* and did add components to the jointly agreed sanction. Counsel for the LSA submitted the committee in *Phillips* added conditions to the sanction and while conditions are not part of the sanction, conditions are related to the sanction.
34. The Committee considered another recent matter of *Law Society of Alberta v Smith*, 2025 ABLS 36 in contemplation of parity of sanction where the member was suspended for 45 days for fabricating an email to another lawyer and for misrepresentations to the member's colleague as well as the Court. Accepting a joint submission for a two-month suspension for Mr. DaBreo may signal his conduct is worse than that of *Smith*.
35. Counsel for the LSA advised *Smith* was not a suitable comparer and that *Phillips* and *Ottewell* do support the agreed upon sanction. Counsel for the LSA reiterated there may be other cases that support a higher or lower sanction. However, the question is if the proposed sanction is unhinged from the circumstances of the offence or so unreasonable that it should not be accepted. Counsel for the LSA considered the reputation of the profession is maintained with the proposed joint submission on sanction.
36. Having considered the submissions made by counsel, the Committee accepted the joint submission on sanction. The proposed sanction protects the public by imposing a sanction that reflects the seriousness of Mr. DaBreo's conduct and is a general deterrent to the profession.

Concluding Matters

37. Costs were agreed and, pursuant to section 72(2) of the *Act*, are ordered to be paid by Mr. DaBreo in the amount of \$7,500.00, on or before January 18, 2027, failing which Mr. DaBreo will be suspended pursuant to section 79 of the *Act*.
38. A Notice to the Profession was issued on January 20, 2026.
39. There will be no referral to the Attorney General.
40. 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. DaBreo will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated May 22, 2026.

Mandy Kinzel

Michael Brodrick

Scott Matheson