

**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 LOUISE CAMPBELL, KC
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Hearing Committee

Stephanie Dobson – Chair
Timothy Ford – Public Adjudicator
Nazrina Umarji – Lawyer Adjudicator

Appearances

Henrietta Falasinnu – Counsel for the Law Society of Alberta (LSA)
Alain Hepner, KC – Counsel for Louise Campbell, KC

Hearing Dates

January 28-29, 2025

Hearing Location

Virtual Hearing

HEARING COMMITTEE REPORT

Overview

1. Louise Campbell, KC is an Alberta lawyer who was admitted to practice in 1983. Her practice is focused primarily on family law.
2. On July 12 2022, Ms. Campbell self-reported to the LSA through her counsel Alain Hepner, KC regarding an email she had sent to opposing counsel, GZ, on a divorce and division of matrimonial property matter, which resulted in criminal charges including obstruction of justice and breach of release order against her client DM for which he was eventually convicted of the former.
3. The following citation was directed to hearing by the Conduct Committee Panel on June 18, 2024:
 - 1) It is alleged that Louise Campbell advised a client to offer valuable consideration in exchange for the withdrawal of criminal proceedings against the client and that such conduct is deserving of sanction.

4. On January 28, 2025, the Hearing Committee (Committee) convened a hearing into the conduct of Ms. Campbell, based on the above citation.
5. After reviewing the Statement of Admitted Facts, Exhibits, and Admissions of Guilt (Statement) and hearing submissions from LSA counsel and counsel for Ms. Campbell, the Committee accepted Ms. Campbell's admission of guilt to the citation.
6. The Committee also accepted the joint submissions on sanction and ordered a reprimand and that Ms. Campbell pay costs in the amount of \$3,633.00, on or before October 28, 2025.
7. The Committee provided its decision orally at the hearing and advised that a written decision with reasons would follow. This is the written decision.

Preliminary Matters

8. The Committee received the following materials:
 - 1) Exhibit 1: Letter of Appointment (November 5, 2024);
 - 2) Exhibit 2: Notice to Attend Campbell (November 5, 2024);
 - 3) Exhibit 3: Certificate of Status (November 13, 2024);
 - 4) Exhibit 4: Letter of Exercise of Discretion (November 13, 2024);
 - 5) Exhibit 5: Letter from A. Hepner to LSA (July 12, 2022);
 - 6) Exhibit 6: Letter from L. Campbell to A. Hepner (May 10, 2022);
 - 7) Exhibit 7: Email from L. Campbell to GZ (March 2, 2022);
 - 8) Exhibit 8: PC Information and Endorsements;
 - 9) Exhibit 9: Transcript, R. v. Mills (November 10, 2022);
 - 10) Exhibit 10: MW Interview Transcript (March 1, 2023);
 - 11) Exhibit 11: L. Campbell Interview Transcript (May 15, 2023);
 - 12) Exhibit 12: Email from L. Campbell to LSA (June 13, 2023);
 - 13) Exhibit 13: Lawyer Record (January 7, 2025);
 - 14) Exhibit 14: Estimated Statement of Costs (January 29, 2025);
 - 15) Exhibit 15: Email from Ms. Campbell (May 4, 2022);
 - 16) Exhibit 16: Investigation Reporting Memo (May 18, 2023);
 - 17) Exhibit 17: Statement of Admitted Facts, Exhibits and Admissions of Guilt;
 - 18) Exhibit 18: CV of Ms. Campbell.
9. By consent, these exhibits were entered into evidence and onto the record.
10. 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 Ms. Campbell's conduct proceeded.

Agreed Statement of Facts/Background

11. The Statement outlines Ms. Campbell's status as an active/practicing member of the LSA, whose current practice focus is on family law.
12. Pursuant to section 60 of the *Legal Profession Act (Act)*, such a Statement is not to be acted upon until it is found to be in an acceptable form, and after such a finding it is deemed for all purposes that each admission of guilt in the Statement is an admission that the conduct is conduct deserving of sanction.
13. To be in an acceptable form under section 60 of the *Act*, the Statement must be voluntary and offered by a lawyer who has capacity and understands the nature and consequences of the admissions. The Committee should show a high degree of deference to joint submissions made regarding the Statement, even where the admissions made will result in some citations being dismissed (which was not the case here). The Statement should be accepted unless it is unfit or unreasonable, contrary to the public interest, or there are good and cogent reasons for rejecting it.
14. The public interest is paramount in this assessment – that includes an understanding that a Statement voluntarily advanced by a lawyer, and supported by the LSA, is one that likely reflects a realistic and negotiated balance of what the LSA reasonably expects to be able to prove in a fully contested hearing. The resolution of issues by agreement is to be encouraged. The Committee should not lightly second-guess such a Statement, while maintaining its important oversight role.
15. In this case, the Committee received the Statement and determined that it was in a form acceptable to the Committee, pursuant to section 60 of the *Act*. The Statement was made voluntarily, eliminated the need for a hearing on the merits, and contained robust admissions of guilt which flowed logically from the agreed facts. Accordingly, the admissions of guilt in the Statement were all accepted, and the admissions of guilt are therefore admissions that Ms. Campbell's conduct is deserving of sanction.
16. The Statement sets out the facts agreed on by the LSA and Ms. Campbell. For ease of reference, we set out below some of the salient facts.

The Citation

17. The citation arises from Ms. Campbell's involvement with one client, described in more detail in the Statement, and summarized below.
18. On June 26, 2018, Ms. Campbell was retained by DM for consultation on his family law matters and again on September 17, 2020, on his divorce and matrimonial property matters. Since then, she has continued to represent him on his divorce and division of matrimonial property matters.
19. At the time, DM was charged with a breach of a Peace Bond by contacting his ex-wife LM.

20. On March 2, 2022, on DM's instructions, Ms. Campbell sent opposing counsel, GZ, an email containing a without prejudice settlement proposal, seeking to conclude all matters. The terms of the proposed resolution were as follows:
 - 1) He will pay out the current mortgage on the house, (which he believes to be at about \$25,000.00) plus pay her \$15,000.00, as lump sum global property/spousal support settlement (please note, as he has no funds, he is borrowing this money from family);
 - 2) He wants the return of his jewelry, buckles, personal items, documents and antiques from the house;
 - 3) He wants the divorce to proceed uncontested, with no Corollary Relief; and
 - 4) He wants LM to withdraw her current criminal complaint.
21. On March 7, 2022, LM agreed to accept the Settlement Proposal. The next day, Ms. Campbell withdrew the proposal, following a conversation between herself and GZ where they agreed that the offer was unclear as to who would receive the house in Nanton, given that both clients believed they would retain possession of the house.
22. LM provided a copy of the Settlement Proposal to DM's probation officer who then sent it to Sergeant RM of Claresholm RCMP. RM provided a copy of the Settlement Proposal to the Crown Prosecutors' office.
23. The Crown took the position that DM's request that LM withdraw her criminal complaint, as set out in the Settlement Proposal, constituted a criminal offence under section 139(2) of the *Criminal Code*.
24. On April 26, 2022, DM was charged with obstruction of justice, for requesting that LM withdraw her criminal complaint, and breach of a release order, for failing to keep the peace and be of good behaviour. He retained criminal law counsel, MW, to defend him against the charges.
25. In early May 2022, Ms. Campbell learned of the criminal charges against DM.
26. On May 4, 2022, Ms. Campbell contacted MW to request more information and also contacted DM and told him that the request to LM to drop her criminal charges was not criminal obstruction of justice.
27. On May 10, 2022, Ms. Campbell retained counsel. Ms. Campbell self-reported the matter to the LSA in July 2022.
28. Ms. Campbell discussed the matter with MW. Although she initially believed she may be called as a witness as she was subpoenaed, the matter did not proceed to trial as DM

pled guilty to the charge of obstruction of justice. The Crown withdrew the breach of a release order charge.

29. DM received a conviction of a suspended sentence and 12 months' probation on November 10, 2022, at the Fort MacLeod Court of Justice.
30. The Court considered and accepted MW's submission on behalf of DM that "this isn't a classic direct obstruction" where DM was communicating with LM, but it was a lawyer communicating some instructions that resulted in DM's conviction of obstruction.
31. Ms. Campbell admitted that she should not have included in the settlement proposal a request to withdraw criminal charges as that amounted to breach of a release order, obstruction of justice charges against her client, and his conviction on the obstruction of justice charge.
32. She admitted that in doing so, the net effect was that she advised a client to offer valuable consideration in exchange for the withdrawal of criminal proceedings against the client and that such conduct is deserving of sanction.

Submissions of the LSA

33. The LSA advised that, pursuant to a joint submission on sanction, the parties were seeking a reprimand, with a requirement that Ms. Campbell pay one-half of the LSA costs in the amount of \$3,633.00 by October 28, 2025.
34. The LSA's position was that this sanction is appropriate given the specific circumstances and guidance from the Pre-Hearing and Hearing Guideline (Guideline) and is in line with the relevant case law. The LSA considered that Ms. Campbell cooperated with the LSA's investigation, self-reported as soon as she was alerted to her wrongdoing, Ms. Campbell's only prior discipline record which was resolved by a reprimand was over 20 years ago, as well as the admissions of guilt and joint submissions. Also considered was the seriousness of this matter; offering a resolution of a family law matter in exchange for withdrawal of criminal charges is serious, with serious consequences to the client including criminal charges, a guilty plea for obstruction of justice, and a criminal record.
35. The LSA pointed to several cases in support of the joint submission on sanction, including *Law Society of Alberta v. Vinni*, 2011 ABLs 23. In *Vinni*, the lawyer was retained to assist a client with the sale of property jointly owned with the client's ex-partner. The ex-partner had been charged with mischief relating to the property and Mr. Vinni sent a settlement proposal offering \$5,000.00, and for the mischief and property damage charges to be dropped in exchange for the ex-partner to transfer his interest to Mr. Vinni's client. Mr. Vinni, as in this case, admitted guilt, signed an agreed statement of acts and received a reprimand and a fine of \$1,000.00 and costs of the hearing.
36. The LSA also pointed to *Law Society of Alberta v. Kaczkowski*, 2016 ABLs 36. In *Kaczkowski*, the lawyer made a proposal including terms that if the parties settled, his

client would drop assault charges against the opposing party's son and refrain from filing a regulatory matter against him. In this case, Mr. Kaczkowski had no prior discipline record, he cooperated with the LSA, he had shown he had rehabilitated and admitted guilt on the citation and several other citations. He received a reprimand, a fine and costs.

37. The LSA encouraged the Committee to accept the joint submission on sanction following the direction in the Guideline that hearing committees give significant deference to joint submissions. Further, the Guideline, in line with *R. v. Anthony-Cook*, 2016 SCC 43, suggests that a joint submission on sanction be accepted where it does not bring the administration of justice into disrepute and is otherwise not contrary to the public interest.
38. To provide context, the LSA also pointed to several cases involving more serious conduct, where suspensions and disbarments were imposed.

Submissions of Ms. Campbell

39. Counsel for Ms. Campbell confirmed that Ms. Campbell has been practicing law in Alberta since 1983, 41 years at the bar. Counsel also brought into the record Ms. Campbell's curriculum vitae, which describes a great deal of community involvement including being a lecturer with the Legal Education Society of Alberta, and volunteering with YWCA, organizations with seniors, childcare, the Lion's Club, the Nurses' Association and more.
40. Ms. Campbell's counsel also explained that Ms. Campbell retained him soon after the events in question and self-reported to the LSA immediately after.
41. Ms. Campbell's counsel describes that within a week of writing the letter that is the subject of this citation, Ms. Campbell had the expectation of double-hip surgery. She was winding down her practice to take time off, and she had been in pain for a very long time. Although it was submitted that she is not using this as an excuse for the comments in the letter in question, this simply goes to her mindset at the time. Her counsel further comments that the clause was put in at the request of the client who was very ill at the time and was being cited for breach of a no contact order, which again is submitted that it is not an excuse.
42. Ms. Campbell's counsel emphasized that this information was provided for context, and that she recognizes the harm her conduct caused.

Analysis and Decision

Legislation, Rules, Guidelines

43. After deliberation, the Committee accepted the joint submission on sanction, finding that it is appropriate in the circumstances, is not out of line with relevant authorities or the expectations of reasonable persons, will not cause a loss of confidence by the public, and supports the proper functioning of the disciplinary system.

44. In accepting the joint submission on sanction, the Committee had particular regard to paragraphs 207 and 208 of the Guideline:

A lawyer and Law Society counsel may agree to jointly recommend a particular sanction. If a joint submission on sanction is presented, the parties require a high degree of certainty that the sanction recommendation will be accepted by the Hearing Committee. Accordingly, the Hearing Committee must give significant deference to the joint submission on sanction.

The lawyer must acknowledge that if there is a joint submission on sanction, while the Hearing Committee will show deference to it, the Hearing Committee is not bound by any joint submission.

45. The Committee is also mindful of the factors for consideration in determining an appropriate sanction, as set out in the Guideline starting at paragraph 200.
46. Here, the Committee found the following factors to be particularly relevant to the inquiry into the appropriate sanction regarding Ms. Campbell's conduct:
- a) the potential impact on the LSAs ability to effectively govern its members by such misconduct;
 - b) the need for deterrence;
 - c) the risk to the public;
 - d) the harm or lack thereof caused by the misconduct;
 - e) the one prior discipline record on the part of the member;
 - f) an acknowledgment of wrongdoing, including self-reporting and admission of guilt;
 - g) an expression of remorse;
 - h) cooperation during the conduct proceedings resulting in avoiding costs and inconvenience;
47. Ms. Campbell's misconduct was serious and created real prejudice to her client.
48. The Committee notes that Ms. Campbell only has one prior matter on her disciplinary record with the LSA, and she cooperated with the investigation into her conduct.
49. Noting the foregoing, the comparable cases cited in support of the joint submission on sanction, and the deference we must show to the joint submission, the Committee concluded that accepting the joint submission of a reprimand was appropriate and in the public interest.
50. Accordingly, Ms. Campbell was delivered the following reprimand at the hearing:

Ms. Campbell, you have admitted guilt to one citation. The Hearing Guideline of the Law Society requires that the Hearing Committee take a purposeful approach to sanctioning a member who has been found guilty of conduct deserving of sanction. The fundamental purpose of sanctioning is the protection of the best interests of the public and the protection of the reputation and standing of the legal profession generally.

Ms. Campbell, I acknowledge your co-operation with the Law Society leading up to today and resolving this complaint by admitting guilt and proceeding with a joint submission on sanction. Your admissions have permitted this citation to be resolved on a more efficient basis, which is not just a benefit to you, but is a benefit to the public and to the Law Society.

Ms. Campbell, you are an experienced lawyer, having practiced for over 40 years. It is clear to me that you have a long and principled career, having made significant contributions to the administration of justice in Alberta. Your career has been exemplary until these citations.

I have noted that this citation arose out of a self-report, and you were co-operative with the investigation throughout the process. I also note that this citation arose at a time in your life when you were facing the pressures of temporarily winding down your practice because you were anticipating major surgery. I expect that facing this citation now, at this stage of your career, is an enormous disappointment.

You have admitted guilt on one citation. This citation is serious and had serious criminal consequences for your client, leading to a guilty plea on one charge of Obstruction of Justice.

In this matter, you put your professional reputation and integrity at risk and your clients' interests at risk. In making these comments today and in expressing this reprimand today, I urge you to constantly have at the forefront of your mind and your practice the integrity required of all of us as members of this profession and the diligence that we all must demonstrate to protect our clients' interests and to maintain our reputation and the reputation of this profession.

A joint submission on sanction is to be given deference. You have admitted guilt to one citation which evidences a very serious matter. However, your cooperation in proceeding with the process today helped to avoid unnecessary hearing costs and avoid time and inconvenience to various parties and witnesses, as well as process costs. I conclude that, in light of all of these circumstances and considerations, it is in the public interest to accept the Joint Submission.

Ms. Campbell, I wish you the best as you move forward from these difficult circumstances and thank you for your attendance today.

Concluding Matters

51. Ms. Campbell is directed to pay costs in the agreed amount of \$3,633.00, due October 28, 2025.
52. No Notice to the Profession is required.
53. A Notice to the Attorney General is not required.
54. 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. Campbell will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated March 6, 2025.

Stephanie Dobson

Timothy Ford

Nazrina Umarji