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 BRADY GABERT
A MEMBER OF THE LAW SOCIETY OF ALBERTA

Hearing Committee
Levonne Louie – Chair and Lay Bencher
Robert Philp, KC – Former Bencher
Ken Warren, KC – Former Bencher

Appearances
Shane Sackman – Counsel for the Law Society of Alberta (LSA)
Zul Verjee, KC - Counsel for Brady Gabert

Hearing Date
July 7, 2026

Hearing Location
Virtual Hearing

HEARING COMMITTEE REPORT

Overview

1. The following citations were directed to hearing by the Conduct Committee Panel on September 16, 2025:

    1) It is alleged that Brady Gabert assisted his client in deceptive conduct and that such conduct is deserving of sanction.

    2) It is alleged that Brady Gabert lied to or misled another lawyer and that such conduct is deserving of sanction.

    3) It is alleged that Brady Gabert failed to act honourably and with integrity by giving false or misleading evidence under oath and that such conduct is deserving of sanction.

2. Mr. Gabert is a lawyer who is currently practicing as a sole practitioner in Rocky Mountain House with [E Firm]. He was admitted to the Alberta Bar on July 24, 2017, and has practiced in the areas of Corporate, Real Estate, and Estate Planning and Administration Law. In October 2020, Mr. Gabert prepared an agricultural lease for three quarter-sections

of farmland for his client JJ as lessee with VE as lessor. The term of the lease agreement was for one year from January 1, 2021 until January 1, 2022. This lease agreement included a provision wherein JJ had an option to purchase the leased lands for a set amount of consideration provided that written notice of the exercise of the option was provided to Mr. Gabert's office on or before November 15, 2021. VE died on November 5, 2021. Mr. Gabert advised the executrix of VE's estate that he had received a written notice to exercise the option on or before November 15, 2021. In fact, Mr. Gabert did not receive written notice of the option exercise until after November 15. He created a notice backdated to November 10 for JJ to execute. This conduct was finally admitted by Mr. Gabert in early January 2024 in a questioning in a related civil matter.

3. Mr. Gabert entered into a Statement of Admitted Facts, Exhibits and Admissions of Guilt on March 31, 2026 (Agreed Statement) with respect to the citations. On May 12, 2026 the Conduct Committee found the Agreed Statement to be acceptable. Accordingly, pursuant to section 60(4) of the *Legal Profession Act*, RSA 2000, c L-8 (*Act*), it is deemed to be a finding of this Hearing Committee (Committee) that Mr. Gabert's conduct is deserving of sanction in relation to the above three citations.

4. On July 7, 2026, the Hearing Committee (Committee) convened a hearing to decide the appropriate sanction for the above three citations.

5. After reviewing all the evidence, the exhibits, and hearing the testimony of Mr. Gabert and arguments of the LSA and Mr. Gabert's counsel, for the reasons set out below, the Committee finds that, based on the facts of this case, the appropriate sanction is a suspension. In accordance with section 72 of the *Act*, the Committee orders that Mr. Gabert is suspended for eight months effective September 1, 2026.

6. In addition, pursuant to section 72(2) of the *Act*, the Committee orders a fine of $12,500.00 and the costs as set out in the Estimated Statement of Costs marked as Exhibit 8 during the hearing, being $7997.25, be paid. Mr. Gabert shall have one year from the date of this hearing to pay the fine and costs.

Preliminary Matters

7. There were no objections to the constitution of the Committee or its jurisdiction. A private hearing was requested by the complainant CD, on behalf of his client JJ. The Committee's decision is that the normal redaction protocols of the LSA can protect the identities of third parties in this matter and that the lessee party to the lease can be further anonymized by being referred to as JJ. Therefore, the hearing into Mr. Gabert's conduct proceeded as a public hearing.

Agreed Statement of Facts/Background

8. Pursuant to section 60(4) of the *Act,* each admission of guilt in the Agreed Statement is deemed to be finding by this Committee that Mr. Gabert's conduct is deserving of sanction under section 49 of the *Act*.

9. Specifically, Mr. Gabert and LSA counsel agreed on the following facts in relation to the citations, as set out in the Agreed Statement:

   a) In 2017, JJ made a verbal agreement with VE to rent three quarter sections of farmland. VE and JJ subsequently agreed to enter into a lease for one year with an option to purchase the land.
   b) Mr. Gabert was retained by JJ to prepare the lease and option to purchase (Contract).
   c) The Contract had a term from January 1, 2021 to January 1, 2022. The Contract stipulated that if JJ wanted to exercise his option to purchase the farmland, he had to provide written notice of that intention to Mr. Gabert's office on or before November 15, 2021 (Option).
   d) The Contract was signed by both parties and witnessed by third parties. Mr. Gabert did not act for VE but noted that VE did not retain a lawyer for this transaction. VE was elderly at the time of signing the Contract.
   e) Mr. Gabert called VE to ensure he understood the agreement and that Mr. Gabert would be registering a caveat on title regarding the Option. VE confirmed he did understand the Contract and had spoken with his family about his intentions.
   f) VE died on November 5, 2021.
   g) On November 16, 2021, Mr. Gabert received a phone call from VE's executrix, CM. CM was inquiring if the Option was delivered or not. Mr. Gabert informed CM that JJ had indicated to him his intention to exercise the Option verbally, but he did not know if JJ had provided a written notice of intent to exercise the Option to his office.
   h) On November 19, 2021, CM again inquired if a written notice had been provided in accordance with the Option. Mr. Gabert's impression was that CM seemed to be looking for a way out of the contract. At that time, Mr. Gabert falsely indicated that he misspoke in their previous phone call and that JJ had in fact dropped off a written notice prior to the November 15 deadline.
   i) Following the November calls from CM, Mr. Gabert reviewed his file and saw that a written notice had not been received from JJ. Mr. Gabert spoke to JJ and indicated to him that Mr. Gabert would draft a notice of intention to purchase under the Option and backdate the notice to November 10, 2021.
   j) Mr. Gabert emailed the blank notice of intention to JJ for him to sign. JJ hand delivered a signed copy of the notice to Mr. Gabert's office sometime between November 16 and November 30, 2021.

k) Mr. Gabert subsequently deleted the email and notice from his firm's email server, so they cannot be reproduced. Mr. Gabert did so to cover up what had occurred with the late Option notice.
l) Mr. Gabert also told JJ that if anyone asks, he should indicate that the Option was sent around November 12, 2021.
m) On November 23, 2021, RG, the lawyer representing VE's estate, reached out to Mr. Gabert to inquire about the written notice of intention on behalf of CM.
n) On November 30, 2021, Mr. Gabert emailed RG a copy of the signed notice of intention. RG asked if it was received prior to November 15, 2021. Mr. Gabert replied on December 3, 2021 indicating that the staff believed it was November 11 or 12, 2021. Mr. Gabert knew at the time that the notice had not been received on November 11 or 12.
o) JJ retained the complainant, CD, to pursue litigation against VE's estate to enforce performance of the Option.
p) On June 7, 2022, Mr. Gabert sent an email to CD's assistant providing background information as follows:

> […] As per the contract, JJ provided our office with written notice of his intention to exercise the option to purchase the land on November 10, 2021. JJ obtained financing from ATB and then VE passed away in late November of 2021 prior to the deal closing. The Estate is refusing to honour the contract […]
> 5) A few weeks after VE's death I received call from VE's executor who made some inquiries about the agreement and JJ's intention to purchase the land. I informed the Executor that JJ had left a message informing me that he was in the process of obtaining financing to purchase the property. I was unaware at the time that JJ had also provided a written letter acknowledging his intention to purchase the property. When I was informed that JJ had provided a written notice I contacted the Executor and let her know.

q) Critical pieces of Mr. Gabert's June 7 email were untrue. It is true that JJ did obtain financing, and it was Mr. Gabert's understanding that it was JJ's intention to purchase the land. However, JJ did not provide written notice in time as Mr. Gabert stated in the email.
r) On June 23, 2022, a Statement of Claim was filed on JJ's behalf asserting, among other things, specific performance of the Option (Action).
s) On July 21, 2022, a Statement of Defence was filed.
t) In April 2023, Mr. Gabert was added as a third-party defendant to the underlying Action.
u) On September 13, 2023, Mr. Gabert was questioned by the lawyer representing VE's estate in the Action. Mr. Gabert made several false statements at this questioning, primarily, denying that he drafted the notice to exercise option and indicating that he did not clearly remember when the notice arrived at his office, but believed that it came in prior to November 15.

v) The questioning in September was adjourned until a later date, and Mr. Gabert returned for further questioning on January 9, 2024. At this questioning, Mr. Gabert did confess that he was untruthful in his previous questioning. Mr. Gabert confirmed that the written intention to act on the Option was received after November 15 and that he created the backdated notice.

w) During the LSA's investigation, Mr. Gabert was asked for his response. Mr. Gabert provided a detailed response wherein he admitted to the misconduct in this matter.

x) Mr. Gabert believed that he was furthering the deal JJ and VE had reached before VE's death. Mr. Gabert received no personal benefit from this matter.

y) Mr. Gabert admits that:

   i. He assisted his client to engage in deceptive conduct;
   ii. He misled another lawyer; and
   iii. He gave false and misleading evidence under oath.

Submissions on Sanction and Authorities

10. LSA counsel and counsel for Mr. Gabert made a joint submission on sanction. Because there was a joint submission on sanction, the Committee closely considered the principles outlined in *R. v. Anthony-Cook,* 2016 2 SCC 43. Although *Anthony-Cook* is a criminal law case, its principles with respect to showing deference to joint submissions on sanctions can be applied in this case and in fact, have been applied in many LSA hearings.

11. In the decision of *Anthony-Cook*, the Supreme Court of Canada put forth that properly conducted joint submissions are essential as they permit the system to function smoothly and efficiently. Further, the Court held that joint submissions on sentencing are entitled to significant deference provided they meet a stringent public interest test. This public interest test is described in various ways at paragraphs 32 – 34 of the decision:

> Under the public interest test, a trial judge should not depart from a joint submission on sentence unless the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest … a joint submission will bring the administration of justice into disrepute or be contrary to the public interest if, despite the public interest considerations that support imposing it, it is so "markedly out of line with the expectations of reasonable persons aware of the circumstances of the case that they would view it as a break down in the proper functioning of the criminal justice system ... when assessing a joint submission, trial judges should "avoid rendering a decision that causes an informed and reasonable public to lose confidence in the institution of the courts" ... a joint submission should not be rejected lightly … Rejection denotes a submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down. This is an undeniably high threshold — and for good reason...

12. Counsel presented a Book of Authorities in support of their joint submission. Counsel addressed the Authorities put forth before the Committee in detail but none of the Authorities dealt with facts comparable to those in this case.

13. In *Law Society of Alberta v. Sangha, 2024 ABLS 24*, the member was found guilty of citations in three general categories: improper conduct and harassment of three different articling students and one staff employee, swearing a false affidavit and submitting a knowingly false document for registration, and deliberately misleading a client. The hearing committee considered mitigating and neutral factors for each of these three general categories separately and decided on a sanction consisting of a suspension of six months and the payment of costs. In addition, the committee directed that both a Notice to the Profession and a Notice to the Attorney General be issued.

14. In *Law Society of Alberta v. Ralh, 2023 ABLS 9,* the member assisted his client in obtaining a fraudulent mortgage. There was an agreed statement of facts and admission of guilt. The member was suspended until the date of the hearing, being November 2, 2022. The member had been suspended earlier from July 31, 2021 to May 1, 2022, as a result of a criminal conviction and an effective suspension for another six months from May 1, 2022 until the date of the hearing. Costs were also awarded and a Notice to the Profession was issued. No Notice to the Attorney General was required as the member had already been criminally convicted.

15. In *Law Society of Alberta v. Shustov, 2014 ABLS 23,* a member fabricated a court order relating to a divorce proceeding. There was an Agreed Statement of Facts and Guilt during this hearing but no agreed statement on sanction. Counsel for the LSA argued for disbarment whereas counsel for the member argued for a suspension. The hearing committee decided on an eight-month suspension with referral to Practice Review upon his reinstatement, the payment of costs, publication of the member's suspension and a referral to the Attorney General.

16. In *Law Society of Alberta v. Persad, 2020 ABLS 27,* a member created a fake divorce document to prove to a third party with whom he wanted to have a personal relationship that he was divorced when, in fact, he was not. There was an Agreed Statement of Facts and a joint submission on sanction. The decision was a suspension of six months, the payment of costs, a Notice to the Profession and a Notice to the Attorney General.

17. In *Law Society of Alberta v. Ihensekhien-Eraga, 2019 ABLS 16,* a student-at-law misled and failed to be candid with the LSA. This escalated to a series of lies to the LSA over a number of months and included the creation and submission of false documents. There was an Admitted Statement of Facts and Admission of Guilt. The hearing committee's decision was a twelve-month suspension, payment of costs and a Notice to the Profession.

18. In *Law Society of Alberta v. Sanghi, 2023 ABLS 20,* a junior member misled a client regarding the filing of an application for permanent residence status. The member lied about filing of the documents in a timely manner and altered documents to support the lie. There was a Statement of Admitted Facts, Exhibits and Admission of Guilt that was jointly submitted. The hearing committee decided on a three-month suspension, payment of costs, a Notice to the Profession and a Notice to the Attorney General

19. Counsel differed on whether there should be a notice to the Attorney General. Counsel for the LSA proposed that a notice to the Attorney General was required whereas counsel for

Mr. Gabert argued that a notice was not required as Mr. Gabert corrected the judicial record when he self-reported following the first questioning.

Analysis and Decision on Sanction and Costs

20. The decisions made by prior hearing committees are not binding on this Committee, but they provide some guidance on the range of sanctions to be considered. No authorities cited to this Committee contain facts that are very similar to those presented in this case. However, in the interests of fairness and predictability, the decisions of prior hearing committees were considered to try for some consistency in hearing decisions.

21. The LSA Pre-Hearing and Hearing Guideline lays out a number of general factors to consider when determining the appropriate sanction. In no particular order, the Committee considered the following:

    a) Mr. Gabert is a relatively young member of the Bar with no prior disciplinary record.
    b) Mr. Gabert has worked his entire career, including articles, in the small community of Rocky Mountain House and has worked as a sole practitioner for the majority of his career (since 2018).
    c) Mr. Gabert's misconduct was serious, deliberate and deceitful. He did have many opportunities to admit to his misconduct in the early stages. Rather than admit that the time for the option had expired, Mr. Gabert created and backdated a document to perpetuate the lie. Further, he coached his client to sign the document and claim that it had been delivered prior to the expiry of the Option.
    d) Mr. Gabert admitted to intentionally removing the backdated document and the email forwarding the document to his client from his company's server so that they couldn't be reproduced.
    e) Besides lying to multiple parties, Mr. Gabert lied under oath during his initial questioning. However, he did correct the record during the second questioning by disclosing he created a document, backdated it and had his client sign it.
    f) Mr. Gabert did not financially benefit from the misconduct.
    g) Mr. Gabert has accepted full responsibility for his action and has shown deep remorse. This was evident in his written evidence and during the hearing.

22. Mr. Gabert's conduct showed an egregious lack of judgement. As there was a breach of integrity, the Committee was very concerned that the sanction should reflect a general deterrence for this type of conduct and should maintain public confidence in the legal profession and the ability of the LSA to effectively regulate its members. The panel in *Law Society of British Columbia v. McGuire*, 2006 LSBC 20 made the following statement at paragraph 24:

    > We accept that disbarment is a penalty that should only be imposed if there is no other penalty that will effectively protect the public. … Protection of the public lies not only in dealing with ethical failures when they occur, but also in preventing ethical failures. In

> effect, the profession has to say to its members, “Don’t even think about it”. And that demands the imposition of severe sanctions for clear, knowing breaches of ethical standards.

23. This Committee agrees with the paragraph noted above from *McGuire*. This Committee felt that consideration of disbarment was appropriate given the lack of integrity shown by Mr. Gabert’s misconduct and the basic and fundamental importance of integrity to the legal profession. However, given the facts of this case, Mr. Gabert’s unblemished record prior to the actions described in this case and the authorities, this Committee concluded that disbarment of Mr. Gabert is not required for the protection of the public or to maintain the public’s confidence in the disciplinary process.

24. This Committee finds that a suspension, payment of a fine and payment of costs is the appropriate sanction. While counsel submitted a proposed eight-month suspension, the Committee’s view is that this is at the low end of the range given the seriousness of the integrity issues. Without the joint submission on sanction, the Committee would likely have imposed a suspension longer than eight months. However, the Committee is constrained by the principles in *Anthony-Cook* to defer to the joint submission. The Committee accepts the joint submission on the length of suspension as, given the facts of this case, this joint submission should still cause an informed and reasonable public to maintain confidence in the integrity of the profession and the ability of the LSA to effectively govern its members.

25. The Committee is also in agreement with the suspension starting on September 1, 2026. Given the small community that Mr. Gabert is working in, this will allow Mr. Gabert time to ensure that his clients’ needs are addressed and handled during the time of suspension. Delaying the start of the suspension until September 1, 2026 is in the public interest.

26. The fine of $12,500.00 recommended as part of the joint submission is also accepted by the Committee. Costs as estimated in Exhibit 8 – Estimated Statement of Costs, approximating $7,997.25, were also recommended as part of the joint submission and are also accepted by the Committee. Mr. Gabert shall have a period of one year from the hearing date to pay the fine and costs.

Notice to the Attorney General

27. Section 78(6) of the *Act* states:

> Notwithstanding subsections (1) to (4), if following a hearing under this Division, the Hearing Committee or the panel of Benchers is of the opinion that there are reasonable and probable grounds to believe that the member has committed a criminal offence, the Hearing Committee or the panel, as the case may be, shall forthwith direct the Executive Director to send a copy of the hearing record to the Minister.

28. In circumstances where section 76(8) is triggered, the referral to the Minister is mandatory, rather than discretionary. The Committee decides that a notice to the Minister is required and it will be up to the Minister to decide whether he wishes to proceed further on the matter.

Concluding Matters

29. The Committee orders that Mr. Gabert:

1) Be suspended for eight months commencing September 1, 2026;
2) Pay $12,500.00 as a fine to the LSA by July 7, 2027; and
3) Pay $7,997.25 in costs to the LSA by July 7, 2027.

30. The Committee directs the Executive Director of the LSA to send a copy of the hearing record to the Minister of Justice and Attorney General.

31. A Notice to the Profession pursuant to section 85 of the *Act* will be issued.

32. 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. Gabert will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated July 28, 2026.

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Levonne Louie

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Robert Philp, KC

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Ken Warren, KC