



The Law Society of Saskatchewan

CAROLINE KIMBERLY ANDRIASHEK

HEARING DATE: August 8, 2018

DECISION DATE: August 23, 2018

Law Society of Saskatchewan v. Andriashek, 2018 SKLSS 10

**IN THE MATTER OF *THE LEGAL PROFESSION ACT, 1990*
AND A REQUEST TO RESIGN INSTEAD OF
CONTINUED PROCEEDINGS BY
CAROLINE KIMBERLY ANDRIASHEK**

**REASONS FOR THE DECISION OF THE CONDUCT INVESTIGATION
COMMITTEE FOR THE LAW SOCIETY OF SASKATCHEWAN**

1. By application dated August 8, 2018, consented to by counsel on behalf of the Conduct Investigation Committee, Karen Prisciak, Q.C., the Member applied to the Conduct Investigation Committee of the Law Society of Saskatchewan (hereinafter referred to as the "Committee") to resign her membership in the Law Society of Saskatchewan instead of continued proceedings in accordance with Rule 400.1 of the Law Society Rules.

2. Rule 400.1(2) of the Law Society Rules provides as follows:

(2) The Conduct Investigation Committee, or Chair of the Professional Standards Committee may hear the application to resign instead of continued proceedings, as follows:

- (a) by consent of Counsel for the Law Society;
- (b) the member must make admissions and enter into an Agreed Statement of Facts;

...

3. The application to resign instead of continued proceedings was heard by the Committee by telephone conference call on August 23, 2018. Present on the telephone call was the Committee consisting of Evert Van Oost, Q.C. and Gregory G. Walen, Q.C., as well as counsel to the Committee, Karen Prisciak, Q.C., and counsel for the Member, Brian Pfefferle. At the outset of the application hearing, neither the Member nor counsel for the Committee took any objections to the composition of the Committee and its ability to either grant or deny the Member's application to resign instead of continued proceedings.

4. The Committee had available to it the Member's application dated August 8, 2018 and an Agreed Statement of Facts executed by the Member on May 26, 2018 and also executed by counsel on behalf of the Committee, Karen Prisciak, Q.C. The said Agreed Statement of Facts consisted of four pages. In accordance with Rule 400.1 (2)(b), the Committee is satisfied that the Agreed Statement of Facts complies with that Rule.

5. In accordance with Rule 400.1(2)(a), counsel for the Committee, Karen Prisciak, Q.C., consented to the Member's application to resign instead of continued proceedings.

6. As all prerequisites to the application have been fulfilled, the Committee considered whether to grant the application to resign instead of continued proceedings. Subject to undertakings and conditions that we, the Committee, impose at paragraph 8 in this decision, the application by the Member is granted.

7. The Member's counsel did not take exception but, in fact, agreed that this Committee could impose certain conditions on the Member in the event that she, at some future date, chooses to seek readmission to the Law Society of Saskatchewan. In particular, it was agreed that in conjunction with any future application for readmission to the Law Society, the Member must provide a current medical assessment from an appropriate medical practitioner regarding the root causes of the personal issues that led to the Member's misconduct. This assessment is to be included and will be considered in any future application for readmission.

8. In conclusion, the Committee grants the Member's application to resign from the Law Society of Saskatchewan instead of continued proceedings on the following undertakings and conditions:

a. That, in conjunction with any future application for readmission to the Law Society of Saskatchewan, the Member must provide a current medical assessment from an appropriate medical practitioner regarding the root causes of the personal issues that led to the misconduct. This assessment is to be included and will be considered in any future application for re-admission; and

b. That the Agreed Statement of Facts signed by the Member on May 26, 2018 will remain on the Member's file and be considered by the Law Society of Saskatchewan in any future applications by the Member for re-admission and, in accordance with Rule 400.1(4) of the Rules of the Law Society, the Agreed Statement of Facts referred to above and this decision shall be published in the same manner and to the same persons as the Notice required by Rule 495 of the Law Society Rules.

DATED at the City of Saskatoon, in the Province of Saskatchewan, this 23rd day of August 2018.

"Evert Van Olst, Q.C."

"Gregory G. Walen, Q.C."

AGREED STATEMENT OF FACTS
Pursuant to Rule 400.1

9. Ms. Andriashek is requesting the Conduct Investigation Committee accept her resignation as a "resignation instead of continued proceedings" pursuant to Rule 400.1.

10. In support of her application, Ms. Andriashek agrees with counsel for the Law Society of Saskatchewan that the following statement of facts is correct.

Incident 1: Caroline Andriashek falsified Client A's Court documents and failed to advise Client A as to the legal proceedings.

11. Ms. Andriashek acted for Client A. The party litigant opposed in interest to Client A made an application to strike Client A's appeal for failure to perfect the appeal.

12. On October 12, 2016 the Court of Appeal ordered Client A's appeal be perfected on or before November 8, 2016.

13. Ms. Andriashek prepared an Affidavit of Client A dated December 2, 2016. She falsified Client A's signature to the Affidavit and swore the jurat in her name. The Court of Appeal refused to accept the false Affidavit for filing.

14. The Affidavit of Client A was not filed prior to the Court of Appeal's deadline of November 8, 2016.

15. Ms. Andriashek deposited her own funds into the law firm trust account in order to pay Client A's court costs to the Court of Appeal. She falsely advised the law firm that the funds had come from Client A.

16. On December 7, 2016 the Court of Appeal struck Client A's appeal for want of prosecution. A Court Order was issued to that effect on December 22, 2016.

17. The party adverse in interest to Ms. Andriashek's client had begun enforcement proceedings against Client A as a result of the Court of Appeal's decision to strike the client's appeal for failure to perfect. Client A discovered the ruling of the Court of Appeal when enforcement proceedings commenced.

18. Ms. Andriashek failed to perfect Client A's appeal and failed to advise Client A that his appeal was struck and that enforcement proceedings had commenced.

Incident 2: Caroline Andriashek falsified documents required for the Court of Queen's Bench.

19. Ms. Andriashek prepared a Property Statement on May 27, 2015 in the name of Client B. The Affidavit was prepared to disclose the property of Client B as requested by a Justice of the Court of Queen's Bench.

20. Client B 's. signature was falsified by Ms. Andriashek who also signed the jurat.
21. The false Property Statement was subsequently filed with the Court of Queen's Bench by Ms. Andriashek.

Incident 3: Caroline Andriashek misled Client C as to the status of court proceedings on a number of occasions.

22. On August 6, 2016 Ms. Andriashek sent an email to Client C dated September 30, 2016 falsely advising that a child support application had been scheduled.
23. On September 30, 2016 Ms. Andriashek sent an email to Client C falsely stating that she was awaiting a call from the Court regarding the application date.
24. In response to Client C's inquiry, Ms. Andriashek sent an email dated October 3, 2016 falsely stating that the application had been adjourned.
25. On December 20, 2016 Ms. Andriashek's email to Client C falsely stating the application for child support was set for December 21, 2016.
26. On February 8, 2017 Ms. Andriashek sent an email to Client C falsely advising that a lawyer had appeared for estranged spouse, falsely stating that she had requested an interim support order for Client C which was declined by the Court.

Incident 4: Caroline Andriashek misled Client D as to the status of Court proceedings on a number of occasions.

27. On December 16, 2016 Ms. Andriashek falsely stated in an email that she was finalizing Client D's appeal documents.
28. On January 11, 2017 Ms. Andriashek falsely advised Client D that the Court had adjourned the matter.
29. On January 31, 2017 Ms. Andriashek falsely advised Client D there was no answer on the issue of suspending enforcement.
30. On February 24, 2017 Ms. Andriashek falsely advised Client D that she will get an Affidavit to him.
31. On April 18, 2017 Ms. Andriashek falsely advised Client D she will find out what is happening with the Affidavit.
32. On April 20, 2017 Ms. Andriashek emailed Client D and falsely advised that the assistant has had difficulty scanning the documents.

Summary

33. Ms. Andriashek was advised by her Employer to self-report her conduct. Her Employer reported her conduct to the Law Society and released her from employment on May 1, 2012.

34. On May 30, 2017 Ms. Andriashek agreed to immediately cease the practice of law. She had not practiced since May 1, 2017.