



Law Society
of Saskatchewan

GEORGE COMBE
HEARING DATE: June 17, 2019
DECISION DATE: July 11, 2019
Law Society of Saskatchewan v. Combe, 2019 SKLSS 5

IN THE MATTER OF *THE LEGAL PROFESSION ACT, 1990*
AND IN THE MATTER OF GEORGE COMBE,
A LAWYER OF SASKATOON, SASKATCHEWAN

DECISION OF THE HEARING COMMITTEE FOR THE
LAW SOCIETY OF SASKATCHEWAN

Hearing Committee: Beth Bilson, Q.C. Chair, Tim McLeod, Ron Barsi
Counsel for the Member: Nicholas Stooshinoff, Q.C.
Counsel for the
Conduct investigation Committee: Karen Prisciak, Q.C.

1. The Hearing Committee of the Law Society of Saskatchewan (the “Hearing Committee”) composed of Beth Bilson, Q.C. (Chair), Tim McLeod, and Ron Barsi, convened on Monday, June 17, 2019, in Saskatoon, to hear the complaint against George Combe (the “Member”). The Member was represented by Nicholas Stooshinoff, Q.C., and Karen Prisciak, Q.C. represented the Conduct Investigation Committee.

2. Neither counsel raised any objection to the constitution of the Hearing Committee or made any other preliminary application.

3. An Amended Complaint dated May 21, 2019 was provided to the Hearing Committee. This complaint laid out the ten charges alleging that the Member:

- (1) Did, in the course of his professional practice at the Saskatoon City Criminal Law Office of the Saskatchewan Legal Aid Commission, personally harass L.S., an administrative assistant at his place of work;
- (2) Did, in the course of his professional practice at the Saskatoon City Criminal Law Office of the Saskatchewan Legal Aid Commission, behave toward and/or communicate with L.S., his co-worker, in a manner that was abusive, offensive or otherwise inconsistent with the proper tone of a professional communication from a lawyer;
- (3) Did, in the course of his professional practice at the Saskatoon City Criminal Law Office of the Saskatchewan Legal Aid Commission, behave toward and/or

- communicate with K.Z., his co-worker, in a manner that was abusive, offensive or otherwise inconsistent with the proper tone of a professional communication from a lawyer;
- (4) Did, in the course of his professional practice at the Saskatoon City Criminal Law Office of the Saskatchewan Legal Aid Commission, behave toward and/or communicate with J.K., his co-worker, in a manner that was abusive, offensive or otherwise inconsistent with the proper tone of a professional communication from a lawyer;
 - (5) Did, in the course of his professional practice at the Saskatoon City Criminal Law Office of the Saskatchewan Legal Aid Commission, behave toward and/or communicate with C.H., his co-worker, in a manner that was abusive, offensive or otherwise inconsistent with the proper tone of a professional communication from a lawyer;
 - (6) Did, in the course of his professional practice at the Saskatoon City Criminal Law Office of the Saskatchewan Legal Aid Commission, behave toward and/or communicate with C.B., his co-worker, in a manner that was abusive, offensive or otherwise inconsistent with the proper tone of a professional communication from a lawyer;
 - (7) Did, in the course of his professional practice at the Saskatoon City Criminal Law Office of the Saskatchewan Legal Aid Commission, behave toward and/or communicate with M.R., his co-worker, in a manner that was abusive, offensive or otherwise inconsistent with the proper tone of a professional communication from a lawyer;
 - (8) Did, in the course of his professional practice at the Saskatoon City Criminal Law Office of the Saskatchewan Legal Aid Commission, behave toward and/or communicate with L.R., his coworker, in a manner that was abusive, offensive or otherwise inconsistent with the proper tone of a professional communication from a lawyer;
 - (9) Did, in the course of his professional practice at the Saskatoon City Criminal Law Office of the Saskatchewan Legal Aid Commission, behave toward and/or communicate with L.W., his co-worker, in a manner that was abusive, offensive or otherwise inconsistent with the proper tone of a professional communication from a lawyer;
 - (10) Did, in the course of his professional practice at the Saskatoon City Criminal Law Office of the Saskatchewan Legal Aid Commission, behave toward and/or communicate with certain clients in a manner that was abusive, offensive or otherwise inconsistent with the proper tone of a professional communication from a lawyer.

4. Counsel for the parties also provided the Hearing Committee with an Agreed Statement of Facts, in which the Member acknowledged his guilt, which read as follows:

JURISDICTION

- (1) George Combe is, and was at all times material to this proceeding, a Lawyer registered with the Law Society of Saskatchewan ("Law Society"), and accordingly is subject to the provisions of *The Legal Profession Act, 1990* (the "*Act*") as well as the *Rules of the Law Society of Saskatchewan* (the "*Rules*").
- (2) George Combe acknowledges service of the Formal and Amended Complaint.
- (3) George Combe has no prior discipline record with the Law Society of Saskatchewan

ACCEPTANCE OF GEORGE COMBE

- (4) George Combe pleads guilty to all the charges and admits that his conduct was conduct unbecoming of a lawyer.
- (5) The Member was the Director of Legal Services for Saskatoon Criminal Office of the Saskatchewan Legal Aid Commission. His duties, in that position, included managing the unionized staff of the office in assigning work and office structural units. The Member was not responsible for hiring or dismissing the unionized staff as those functions fell under the purview of Legal Aid's General Office. At all material times, he was in a position of leadership and control over the employees referred to in these charges.
- (6) L.S. was a unionized employee in the Saskatoon Criminal Office working under the direction, control and management of the Member.
- (7) The Member entered into a consensual sexual relationship with L.S. in March 2013. Despite the ending of the relationship, L.S. agreed to be friends with the Member. She felt pressured into this friendship given that she remained under the control, direction and management of the Member.
- (8) Despite the fact that L.S. felt pressured by the situation those feeling were never communicated to the member. The Member admits he should not have entered into the relationship with L.S because of the power imbalance between them and how that imbalance was perceived by L.S. after other employees became aware of the prior sexual relationship. Nevertheless the Member did not convey the impression or communicate, in any manner, that L.S.'s work situation, assignments, hours of work, leave granted, or any other aspect of her work would be affected by not maintaining the friendship.
- (9) L.S. observed the Member referring to herself and other employees as "dumber than a sack of hammers", "a bunch of idiots" and "lazy" in front of other employees.
- (10) The friendship with the Member was ended by L.S. in December 2013 when other employees became aware of the previous sexual relationship.
- (11) Subsequent to the breakup, the Member continued to invite L.S. to the theatre. She felt she had no option but to attend. Despite L.S. believing she had no option but to attend the Member did not pressure her, compel her or make any threats to her concerning her employment and the Member in his communications left the option to her to attend.
- (12) After the friendship ended with the Member, L.S. found herself powerless and isolated in the workplace. She felt she was unable to seek the support of her coworkers; however, the member did not say or do anything other than having been in a relationship with L.S., which would have affected L.S.'s relationship with her coworkers.
- (13) As a consequence of the personal relationship with the Member, L.S. took stress leave from work and found her relationship with her coworkers to be detrimentally affected by her relationship with the Member on an ongoing basis.
- (14) The Member entered a consensual non-intimate relationship with K.Z., a part-time unionized employee in the Saskatoon Criminal Office who was under the direction, control and

management of the Member. The relationship began gradually with meals and progressed on a consensual basis. The relationship was non-intimate in nature and involved a trip with each other paid for by the Member.

- (15) During the relationship the Member talked in a rude and derogatory manner about some of K.Z.'s coworkers.
- (16) K.Z. ended the relationship after a weekend out of country, but continued to remain friends, to the Members' knowledge until at least October 2013. K.Z. felt uncomfortable due to the power imbalance in the office with the Member given her status as a part-time employee. Despite K.Z.'s feelings, the Member did not convey or communicate, in any manner, that K.Z.'s work situation, assignments, hours of work, leave granted, or any other aspect of her work would be affected by the ending of the relationship.
- (17) K.Z. heard the Member refer to other employees as "dumber than a sack of hammers" and "stupid".
- (18) The Member admits he should not have entered into the relationship with K.Z. because of the power imbalance between them and how that imbalance was perceived by K.Z. and other staff which resulted in an unprofessional and stressful work environment.
- (19) J.K. was a unionized term contract employee in the Saskatoon Criminal Office under the direction, control and management of the Member. The retention of J.K. as an employee of the Saskatoon Criminal Office was the responsibility of the Head Office.
- (20) J.K. felt uncomfortable with the Member because she held a contract position and was under probationary review by the Member. However, the Member did not have the authority to release or renew the contract of J.K.
- (21) J.K. found the Member to be rude and insulting to her and her coworkers. The Member admits that he made inappropriate comments about her appearance, choice of apparel and physical characteristics. He also made rude and inappropriate comments on her intelligence. More specifically, he referred to her as "stupid" in front of other employees.
- (22) The Member, when asked by the Head Office to speak to J.K. about excessive work hours recorded, spoke to her in a rude, condescending and insulting manner.
- (23) J.K. never heard the Member speak to male members of the office in the same manner.
- (24) The Member admits such conduct was offensive and unprofessional.
- (25) C.H. was a unionized Member in the Saskatoon office and witnessed the Member say to her, "What did you fuck up today?" Some paralegal staff took such comments, as intended by the Member, to be a joke and lodged no complaint. However, C.H. took those comments as offensive and derogatory.
- (26) The Member admits that his conduct towards C.H. and the other paralegal staff was inappropriate and has reconciled himself to the fact that his comments hurt C.H. and caused her to question her effectiveness and intelligence.
- (27) C.H. heard the Member refer to employees as "dumber than a sack of hammers" in front of other employees.

- (28) The Member admits his conduct toward C.H. also caused her to question her advancement in the office and caused a strained work environment.
- (29) The Member admits such conduct was offensive and unprofessional.
- (30) C.B. was a unionized Member in the Saskatoon office. At all times material hereto, the Member was in a position of leadership and control over C.B. as she directly reported to him.
- (31) The Member referred to C.B. as a "witch" and asked her "Where is your broom?". These comments were made between 2012 and 2014.
- (32) C.B. heard the Member refer to employees as "dumber than a sack of hammers". These comments were characterized to one of the coworkers who was very vulnerable and had been struggling with personal health issues. The Member criticized C.B. about her work hours, office attendance, and unprofessional conduct but did so in a manner which was dictatorial and authoritative.
- (33) C.B. did not call the Member to account for his comments to her nor his comments about other employees. She was fearful of the ramifications and repercussions of her discussing his characterization of the employees. She was aware that the Member had the power to make her life very miserable as it was his responsibility to assign workload within the office. He had previously taken her off a team that she enjoyed and he had the power to change her work assignment at any time for any reason whatsoever. She did not want to give him the opportunity to further affect her workload or areas of responsibility
- (34) The Member admits that his comments were unprofessional and inappropriate. He further admits that his behavior further contributed to a work environment that was ineffective, toxic and resulted in unnecessary stress to the people who worked in the office.
- (35) M.L.R. was a unionized employee in the Saskatoon Criminal office under the direction, control and management of the Member.
- (36) The Member admits he made comments on the appearance of M.L.R. in front of coworkers and clients. He referred to her as a "church lady" and "dumber than a sack of hammers". M.L.R. confronted the Member on his comments and informed him that his comments on her appearance were affecting her self-esteem. The Member apologized and the comments decreased. The Member admits that his attempts at humour were wrong and furthermore were derogatory and offensive.
- (37) M.L.R. was subjected to being described by the Member in a manner which called into question her intelligence. When confronted by M.L.R. the Member relayed that it was a joke. The Member accepts that his comments were unprofessional, ill-conceived and derogatory. The Member also accepts that his comments made M.L.R.'s work situation uncomfortable and lowered her effectiveness with clients.
- (38) M.L.R. witnessed the Member speak in a very rude manner to clients, in vulgar language and extreme frankness. The Member agrees that his choice of language and street terminology was unprofessional and derogatory but at the time believed he was speaking to clients in a straight-forward, frank manner which they could understand.

- (39) The Member apologized to M.L.R. for his conduct towards her and to other acts which she witnessed.
- (40) L.R. was a unionized employee in the Saskatoon Criminal office under the direction, control and management of the Member.
- (41) L.R. heard the Member made derogatory comments about the intelligence of coworkers in the office. The Member admits this conduct was unprofessional and inappropriate.
- (42) The Member called L.R. "psycho" in front of students. The Member admits that his attempted joke was inappropriate and unprofessional in front of students. The Member claims that he apologized but L.R. has no recollection of such occurring.
- (43) L.R. states the Member repeated the "psycho" statement before L.R.'s mother — he does not recall the event but apologizes for any embarrassment it may have caused L.R. whether in jest or not. The Member acknowledges his behavior regarding this incident was unprofessional and uncalled for.
- (44) L.H. heard the Member refer to other employees as "dumber than a sack of hammers" in front of other employees.
- (45) Similarly to J.K., the Member commented on the appearance of L.R. and again admits that such behavior was offensive and unprofessional.
- (46) L.W. is a unionized employee in the Saskatoon Legal Aid Criminal office under the direction, control and management of the Member.
- (47) The Member made inappropriate and unprofessional comments on L.W.'s appearance. She also witnessed the Member make inappropriate comments to other staff. Specifically, she heard the Member refer to other employees as "dumber than a sack of hammers" in front of other employees.
- (48) The Member admits that his conduct was unprofessional and inappropriate. He further admits that his behavior further contributed to a work environment that was already ineffective, toxic and resulted in unnecessary stress to the people who worked in the office.

RELATIONSHIP WITH CLIENTS

- (49) When the Member entered the waiting room he asked clients involved in cases of domestic violence "which wife beater was next". This comment was made in front of other clients and employees in the workplace.
- (50) During the interview with domestic violence accused clients, the Member did ask a client 1) "Are they a keeper or a good fuck" in reference to the victim; 2) would ask a male client whether the female victim was fat; 3) would ask the male client whether the female victim is ugly and if the accused responded that they were not, the Member indicated that he would see them in Court and decide if they were ugly.
- (51) The Member states that he used such language in order to ease his relationship with the clients. He accepts that these comments were inappropriate and unprofessional. He also recognizes that the clients were in a vulnerable position in that they were requiring Legal Aid services and that there was a power imbalance in his relationship with them; however,

the Member provided adequate and effective representation of his clients despite language that was unprofessional.

5. Counsel further provided the Hearing Committee with joint submissions as to penalty, in the following terms:

- (1) The Member, George Combe, will be suspended for 30 days from July 1, 2019.
- (2) The Member, George Combe, will pay to the Law Society of Saskatchewan reduced costs in the amount of \$22,000.00 payable on monthly instalments of \$1,200.00 commencing as of the date of the decision of the Hearing Committee. Full payment of the costs shall be made within 18 months of the date of the decision of the Hearing Committee.
- (3) Within 30 days of the decision of the Hearing Committee being rendered, the Member will agree to a counselling and assessment report being delivered to the Deputy Director and Complaints Counsel of the Law Society of Saskatchewan within 30 days.

6. Counsel made oral submissions to the Hearing Committee explaining the joint submissions as to penalty. They referred the Committee to a series of decisions from Canadian law societies as examples of sanctions that had been imposed where it had been determined that a lawyer had committed acts of harassment: *Law Society of Upper Canada v. Neinstein*, [2005] L.S.D.D. No. 3; *Law Society of Alberta v. Plantje*, [2007] L.S.D.D. No. 136; *Law Society of Manitoba v. Davis*, [2001] L.S.D.D. No. 29; *Law Society of British Columbia v. Butterfield*, 2017 LSBC 02; and *Law Society of Manitoba v. Wiens*, 2010 MBL 3.

7. Counsel pointed out that all of these cases involved complaints of sexual harassment, rather than personal harassment, which is the subject of the complaints against this Member. They noted that the sanctions in the cases they cited differed in severity, but the majority of them included a period of suspension. Counsel said that they had referred to the cases for guidance in fashioning analogous sanctions.

8. The oral submissions of counsel also touched on the circumstances related to the complaints in this case. In particular, counsel for the Member outlined the personal circumstances that might help to explain, although not to justify, the somewhat authoritarian and disrespectful conduct that the Member had conceded was inappropriate.

9. At the conclusion of the oral submissions, the Hearing Committee adjourned, as requested by counsel, to consider whether a summary oral decision would be appropriate. The Hearing Committee then directed orally that the joint submissions with respect to penalty be implemented, and undertook to provide a written decision at a future date.

10. In *Rault v. Law Society of Saskatchewan*, 2009 SKCA 81, the Court of Appeal held that a hearing committee of the Law Society must give serious consideration to joint submissions, and must provide a clear rationale if it decides to impose sanctions other than those enumerated in the joint submissions. At paragraph 19 of the decision, the Court made the following comment:

If the member co-operates with the investigation and hearing process, and, as happened in the instant case, pleads guilty, and puts an Agreed Statement of Facts before the Hearing Committee, the Law Society is relieved of the burden of proving the allegations in what could, in some instances, be a complicated and protracted hearing with the usual risks and vagaries that may occur in the course of such hearings. If the parties negotiating compromise agreements cannot

expect that their efforts will be respected, there is little incentive to attempt to negotiate a resolution.

11. Though the Court in the *Rault* case found that there was no indication that the hearing committee had given any consideration to the joint submissions, the decision does, at paragraph 28, allude to why a hearing committee might be justified in imposing alternative sanctions – that the proposed sanctions were “not within the range of sentences; unfit or unreasonable; and/or contrary to the public interest.”

12. In this case, the Hearing Committee concluded that the sanctions outlined in the joint submissions were reasonable and that there was no reason to depart from them. Though, as counsel indicated, they were unable to identify any cases directly analogous to this one, we are satisfied that in formulating the sanctions they proposed, they achieved a reasonable balance between the deterrent purposes of sentencing and the concern of fairness to the Member. We therefore confirm the decision conveyed orally at the conclusion of the hearing, that we have accepted the Member’s acknowledgement of guilt, and that we adopt the sanctions described in the joint submissions.

DATED at Saskatoon, Saskatchewan, the 11TH day of July, 2019.

“Beth Bilson, Q.C.”, Chair

“Tim McLeod”

“Ron Barsi”