



Law Society
of Saskatchewan

ERIC TOLLEFSON
HEARING DATE: December 3, 2019
DECISION DATE: December 20, 2019
Law Society of Saskatchewan v. Tollefson, 2019 SKLSS 7

IN THE MATTER OF *THE LEGAL PROFESSION ACT, 1990*
AND IN THE MATTER OF ERIC TOLLEFSON,
A LAWYER OF SASKATOON, SASKATCHEWAN

DECISION OF THE HEARING COMMITTEE FOR THE
LAW SOCIETY OF SASKATCHEWAN

Hearing Committee: John Morrall, Chair
Andrea Argue
Lynda Kushnir Pekrul

Counsel: Tim Huber: Law Society of Saskatchewan
Nicholas Stooshinoff, Q.C. on behalf of the Member

INTRODUCTION

1. The Hearing Committee of the Law Society of Saskatchewan comprised of John Morrall as Chair, Andrea Argue, and Lynda Kushnir Pekrul (the “Hearing Committee”) convened by teleconference on December 3rd, 2019 to hear this matter. Counsel for the Law Society was Timothy Huber and Nicholas Stooshinoff, Q.C. represented Eric Tollefson (“the Member”).

2. Neither counsel had any objections to the composition or jurisdiction of the Committee or the telephone conference format of the Hearing.

3. The amended formal complaint dated November 26th, 2019 against the Member alleges the Member is guilty of conduct unbecoming of a lawyer in that he:

1. did act or continue to act for his family law client, J. R. in the presence of a conflict of interest arising out of his engagement in an intimate relationship with her.

4. The Member entered a guilty plea to the sole count and this Hearing proceeded as a penalty Hearing.

5. An Agreed Statement of Facts and Admissions dated November 26th, 2019 produced by counsel for the Law Society and consented to on November 27th, 2019 by counsel for the Member was filed and marked as Exhibit P-2 in relation to this proceeding. It is appended to this Decision.

6. The parties submitted a joint submission on penalty proposing a suspension of six weeks from practice along with an Order that the Member pay costs in the amount of \$2,000.00 and be subject to practice conditions for a period of twelve months immediately following the six-week suspension.

7. As noted in the reasons and order set out below, the Hearing Committee accepts the joint submission.

FACTS

8. The facts are set out in the Agreed Statement of Facts and Admissions. In summary, they are as follows.

9. While articling at Office X, the Member worked on S.N.'s family law file which concluded in January of 2017. In May 2017, J.R. retained the Member's firm to assist with her family law matters against M.M. Shortly thereafter, the Member began a sexual relationship with J.R. At the time the Member commenced his relationship with J.R., he was married but separated from his spouse shortly thereafter. S.N. is the now current partner of M.M.

10. On October 12, 2017 after commencing a new position with a Saskatoon law firm, J.R. was served with a court application by M.M. returnable November 27th, 2017. The Member was not successful in directing her to another lawyer and thereafter represented her at the court hearing on November 27th, 2017.

11. Thereafter, due to the Member's sexual relationship with J.R., he became embroiled in the ongoing matrimonial dispute between J.R. and M.M. which resulted in numerous high conflict and protracted involvements between the parties.

REASONS FOR PENALTY

12. The relevant section of the Code of Professional Conduct in relation to the Member's behaviour provides as follows:

"3.4-1 A lawyer must not act or continue to act for a client where there is conflict of interest, except as permitted under this Code."

13. The commentary to section 3.4-1 states as follows:

"[10] Conflicts of interest can arise in many different circumstances. The following examples are intended to provide illustrations of circumstances that may give rise to conflicts of interest. The examples are not exhaustive.

...

4. A lawyer has a sexual or close personal relationship with a client.

Such a relationship may conflict with the lawyer's duty to provide objective, disinterested professional advice to the client. The relationship may obscure whether certain information was acquired in the course of the lawyer and client relationship and may jeopardize the client's rights to have all information

concerning his or her affairs held in strict confidence. The relationship may in some circumstances permit exploitation of the client by his or her lawyer. If the lawyer is a member of a firm and concludes that a conflict exists, the conflict is not imputed to the lawyer's firm, but would be cured if another lawyer in the firm who is not involved in such a relationship with the client handled the client's work."

14. In considering an appropriate penalty for the Member as a result of his admission of guilt, it is useful to examine decisions from the Saskatchewan jurisdiction and beyond to determine an applicable range of sanctions for his conduct in this matter. Counsel for the Law Society referred the Hearing Committee to the following decisions in his helpful brief as follows:

"Law Society of Upper Canada v. Stigler, [2015] L.S.D.D. No. 259

8. Limited facts are available in relation to the *Stigler* decision. It appears to represent one of the cases at the lower end of the range for this type of conduct.

9. In that case the panel noted the following:

3....that the Licensee has no discipline history; that he has co-operated with the Law Society's investigation throughout; that his agreement to an Agreed Statement of Facts avoided the necessity to call the client to testify at this hearing; and that there is no evidence that the Licensee's representation of the client was affected by his inappropriate sexual relationship with her.

4 We also take note of the fact that the Licensee appears to now understand that his conduct put him in an irreconcilable conflict of interest and that he should not have continued to act for this client, even with her consent.

10. The lawyer received a 12-day suspension and was required to pay costs of \$5,000.00.

Law Society of Upper Canada v. Carlesso, [2014] L.S.D.D. No. 122

11. In *Carlesso*, the lawyer was retained by his client in the context of a family law matter. The client was destitute and living in her parent's home as a result of the financial fallout of her divorce. Within 1 month of being retained the lawyer and client began to date. Shortly thereafter they became intimate. They began to cohabit within 6 months and were thereafter engaged to be married. There was no suggestion that their relationship was exploitative or anything other than entirely consensual.

12. The lawyer flagged the conflict of interest issue for the client and spoke openly with her about what to do. He stopped short of obtaining independent legal advice. The lawyer agreed to proceed with the work on a pro bono basis.

13. The hearing panel stated the following at paragraph 24 to summarize some of its difficulties with the lawyers conduct:

24 E.O. was clearly vulnerable economically. She was very recently separated from a difficult relationship and was emotionally vulnerable. Although it is unclear the extent to which custody was likely to be an issue, a romantic relationship risked Mr. Carlesso becoming a witness to E.O.'s relationship with her children

and to her fitness as a parent. Also, the inevitable discussion of the same matters as lawyer and client as well as in their personal relationship, risked violation of solicitor-client privilege. The same privilege issue would be true with respect to the commercial litigation to the extent that equalization became an issue and to the extent that E.O.'s husband was an adverse party in litigation. Perhaps most important, as it transpired, the relationship risked impairment of Mr. Carlesso's independent professional judgment and his ability to fulfill obligations owed as an officer of the court and to the administration of justice.

14. The panel went on to point out specific failings of the lawyer and the risks associated with his conduct, all of which he failed to point out to the client:

... there is no evidence that he disclosed other relevant risks such as:

a. the risk to confidentiality and solicitor-client privilege arising from the prospect of discussing legal matters outside of the lawyer-client relationship;

b. the risk that Mr. Carlesso could become a witness to matters relevant to the family law proceeding, custody and equalization being the most obvious examples, thereby compromising his ability to continue to act;

c. the risk that the proceedings with E.O.'s former husband might become more acrimonious by virtue of E.O.'s new romantic partner acting for her in those proceedings; and

d. the risk that E.O. might be required to switch counsel during the course of the proceeding if events turned out differently than hoped for.

15. The lawyer was suspended for 2 months and was required to pay costs of \$13,500.00.

Law Society of Upper Canada v. Hunter, [2007] L.S.D.D. No. 8

16. In *Hunter*, the lawyer became involved in a consensual sexual relationship with his family law client. At the time of the retainer, the client was already divorced and needed assistance managing access schedules and custody arrangements. The marriage had ended in violence which caused some reverberations into the custody and access regime. The lawyer had limited involvement in the actual litigation beyond referring the client to another lawyer, but he remained professionally involved with the client in a series of other capacities.

17. The intimate relationship between the lawyer and his client began approximately 2 years after the initial retainer. The lawyer continued to act for the client. The personal and professional relationship continued for another 2.5 years. The client was vulnerable throughout this period. The lawyer never suggested that she seek independent legal advice or retain a different lawyer.

18. Ultimately, the lawyer arranged a meeting with the client at a restaurant and had the client review the Code provisions relating to conflict of interest. The lawyer had the client initial these provisions and had her sign an acknowledgement that she had read the rule. Immediately after the client

reviewed the Code provisions and signed the Acknowledgement, the lawyer disclosed to her that he had been in intimate relationships with 2 additional women. That disclosure precipitated the end of the relationship.

19. The lawyer in question was, at the time, the Treasurer/President of the Law Society of Upper Canada. After making the disclosures to his client, wife and partners he resigned his position as Treasurer. The lawyer tendered evidence of depression and other medical complications.

20. The lawyer co-operated fully with the proceedings. There is no indication that his legal work on the file was in any way impacted by the conflict. The panel noted the extremely significant professional and personal toll that his conduct had taken independent of the discipline process. The panel found no need for specific deterrence in relation to the lawyer but recognized the need for general deterrence.

21. The lawyer was suspended for a period of 60 days and required to pay costs of \$2,500.00.

Law Society of Upper Canada v. Macri, [2017] L.S.D.D. No. 26

22. In *Macri*, the lawyer engaged in a consensual sexual relationship with his family law client. The relevant facts are summarized at paragraphs 21-26 of the decision as follows:

21 First, the Licensee engaged in an intimate and sexual relationship with a client in a family law matter. While the Licensee stated that he did not believe the client to be vulnerable, the fact that she was a client in a highly contested matrimonial proceeding should have signaled her vulnerability. Further circumstances included her complete financial dependence on her former spouse, the fact that she had two young children, and the conduct of her former spouse, including a criminal proceeding for damage to property and his ongoing refusal to pay any child or spousal support.

24 Second, the Licensee kept his relationship with the client a secret, evincing his awareness, at some level, that the relationship was wrong or at the very least questionable.

25 Third, the Licensee further complicated the relationship with the client by loaning her money, including to pay her legal fees. Despite the Licensee's good intentions in doing so, loaning a client funds is problematic because it creates a potential conflict. The Licensee's subsequent conduct, when the client refused to repay the loan, is indicative of the nature of the conflict of interest. Moreover, this loan was also kept a secret from his employer, when the funds were to be used to pay the client's account.

26 Fourth, when the client refused to repay the Licensee the money that he had loaned her, his conduct became antagonistic and intimidating. He implied that he would use confidential information to her detriment, which would have been a breach of the Rules of Professional Conduct had he done so. While the Licensee states that he had no intention of disclosing the confidential information, this aspect of his conduct raises serious concerns, since it shows his mixing of his

personal relationship and professional duties. It shows why sexual relationships can run the risk of impairment of lawyers' duties to their clients, because that impairment actually occurred in this case.

23. The panel went on to state that "it is a lawyer's responsibility to exercise the utmost caution and restraint before engaging in such a relationship with a client. As noted by counsel for the Law Society, there is a basis to conclude that it may never be appropriate to engage in a sexual or other personal relationship with a client in a family law matter."

24. Mitigating factors referenced by the panel included the following:

- * There is no prior discipline history.
- * The Licensee promptly admitted his wrongdoing upon being confronted by his employer. He fully complied and co-operated with the Law Society throughout the investigation and in preparation for the hearing.
- * The Licensee admitted the facts, and reached a joint submission, avoiding the need for testimony from his former client.
- * It is unlikely that the misconduct would occur again and the Licensee has taken the matter seriously. His reputation has suffered significantly.
- * The Licensee provided the client with competent service and obtained a positive result for her.

25. The lawyer received a suspension for 2.5 months and was required to pay a fine of \$2,500.00. Costs of \$2,000.00 were also ordered.

Law Society of Upper Canada v. Joseph, [2003] L.S.D.D. No. 34

26. In *Joseph*, the lawyer was retained to represent the client in connection with a violent sexual assault. The client was particularly vulnerable. In the initial meetings with the lawyer, the client conveyed to him that she had been in the care of Children's Aid from approximately the age of 13 and that she had been sexually assaulted before. The client informed the lawyer that she had gone into a deep depression after the most recent assault. The lawyer provided advice to the client to see a psychiatrist who diagnosed her with depression and PTSD.

27. Within 2 months after being retained, the lawyer began forging a closer relationship with the client which included long phone calls and social outings. At the 4-month mark, while the lawyer was commencing litigation on behalf of the client, a sexual relationship was instigated by the lawyer. In the context of the relationship, the client had become extremely reliant upon the lawyer both from a personal and professional perspective.

28. Approximately two weeks after the sexual relationship started the lawyer made the decision to stop acting for her but continued the sexual relationship. The client had to transfer her file to new counsel.

29. The panel found as follows:

...the member is guilty of professional misconduct in that he initiated a sexual relationship with a client he knew was vulnerable. In doing so, he misused confidential information disclosed by the client in the course of seeking legal

advice and representation. The member knew that the client was vulnerable and that she trusted and relied on him. In these circumstances, he had a duty to refrain from putting his personal interests in conflict with his responsibility to exercise his independent judgment in accordance with her best interests. He failed in his duty and then withdrew from the client's legal representation in favour of continuing the sexual relationship, thereby adding to her inconvenience and distress.

30. The some of the mitigating factors identified by the penal included that the lawyer's relationship did not impact his judgment in representing the client. The lawyer also discontinued representing the client two weeks after the sexual relationship began, thus confining the conflict. The lawyer also plead guilty and was co-operative throughout the proceeding.

31. The lawyer was suspended for a period of 3 months and was required to pay \$1,500.00 in costs.

Law Society of Saskatchewan v. Laporte 2006 SKLS 12

32. The only Saskatchewan precedent dealing with an inappropriate intimate relationship with a client is the Laporte case. The facts of that case are much more serious than the current matter.

33. The lawyer in that case not only engaged in a sexual relationship with a family law client (literally on the eve of trial), he also made in appropriate advances toward another client and a colleague. In yet another instance, the lawyer began a sexual relationship with another client's expert witness requiring him to withdraw as that client's lawyer. The clients impacted by the lawyer's behaviors were vulnerable, at a minimum, due to the fact that they were in the late stages of litigation and approaching trial. Given that Laporte was a legal aid lawyer, the financial vulnerability of these clients would also have been obvious.

34. Laporte was suspended for 3 years and was required to pay costs of \$4,600.00. Part of the discipline outcome included conditions that the member seek psychiatric treatment and provide authorizations to the Law society to obtain reports from his care providers. Laporte never returned to practice."

15. We agree that these decisions set out an appropriate range of penalties relevant to the case before this Committee. In essence, the ranges cited vary from a suspension of twelve days to three years depending on the circumstances. When reviewing authorities in Canadian and American jurisdictions, the penalties range from reprimand to disbarment.

16. Therefore, it is important to examine the mitigating and aggravating factors relating to the Member's conduct along with the other submissions of counsel so as to determine whether the joint submission proffered by both parties is appropriate.

17. Before proceeding with this analysis, some general comments should be made relating to this conduct. While there is no absolute bar to having a sexual relationship with a client in the Code of Professional Conduct, given the power imbalance generally inherent in the nature of the solicitor/client relationship and the huge risk of all sorts of conflicts, the obvious default position for any lawyer should be to stay away from intimate and/or sexual relationships with clients.

18. The inherent dangers of these types of relationships are noted in paragraph 59 of the decision of *Law Society of Upper Canada v. Hunter*, [2007] L.S.D.D. No. 8:

“59 The Joseph decision is particularly helpful in articulating the inherent dangers when lawyers engage in sexual relationships with clients. These dangers include:

- Clients are entitled to a lawyer’s independent and objective judgement, unaffected by that lawyer’s conflict of interest. An ongoing sexual relationship with clients during the period of representation threatens that independence and objectivity.
- If the sexual relationship is a serious one, it is difficult for the lawyer to remain dispassionate about the client’s legal issues. If the relationship is not a serious one (at least in the lawyer’s mind), there is a danger that the lawyer may be exploiting the client.
- In many cases, it will also be difficult to evaluate whether a vulnerable client’s purported consent to a sexual relationship is rooted, in whole or in part, in his or her dependence upon the lawyer’s representation and support. Simply put, the consent may be more apparent than real.”

19. The main aggravating factor in this matter is that the Member’s relationship with J.R. resulted in increasing the acrimony of the marital dispute between her and M.M. which likely both increased the complexity and length of the litigation and created a great deal of work for the investigatory body of the Law Society as a result of the complaints generated.

20. However, on the other side of the coin, there are a number of mitigating factors that inure to the Member’s benefit. Firstly, it is noteworthy that he has no prior discipline history. As well, it is mitigating that the facts upon which this plea is based were agreed to and the Member accepted responsibility for his behaviour by entering a guilty plea. He has also borne the consequences of his conduct insofar as he was terminated from his employment in May of 2018 and remained unemployed for nearly 6 months until resuming practice with Mr. Burrows on December 4th, 2018.

21. The Hearing Committee also acknowledges the Member’s declared realization of his addictions and mental health issues which may have contributed to his conduct unbecoming. The Member states he has now been sober for a period of eighteen months and has practiced with Mr. Burrows for a full year without any concerns. The Hearing Committee believes that it is likely the Member needs to continue on this path of sobriety and supervision to achieve a successful career in the legal profession.

22. It is within this context that we must now consider the joint submission proffered by both parties. The law with respect to joint submissions has been stated on many previous occasions including the following comments in the decision of *Law Society of Saskatchewan v. Blenner-Hassett* 2018 SK LSS 6 at paragraphs 33 and 34 as follows:

“33. As previously noted, this matter comes before us as a joint submission. As such, this Committee is mindful of the decision of the Saskatchewan Court of Appeal in *Rault v. LSS*, 2009 SKCA 81. In *Rault*, the Court of Appeal reversed a discipline decisions declining to impose a jointly recommended submission. Joint submissions are not to be lightly disregarded. Where a committee considers declining a joint submission, a principled approach, similar to that used in the criminal process, ought to be used. (Para 19)

34. The Court of Appeal recently provided guidance as to when, in the criminal process, a joint submission might be rejected. In *R. v. Bear*, 2018 SKCA 22, Chief Justice Richards wrote:

“[23] In *R v Anthony-Cook*, 2016 SCC 43, [2016] 2 SCR 204 [Anthony-Cook], the Supreme Court recently confirmed that a rather stringent public interest test must be applied by a trial judge when deciding whether to reject a joint submission on sentence. Justice Moldaver, writing for the Court, explained as follows:

[33] In *Druken*, at para. 29, the court held that 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”. And, as stated by the same court in *R. v. B.O.2*, 2010 NLCA 19, at para. 56 (CanLII), 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”.

[34] In my view, these powerful statements capture the essence of the public interest test developed by the Martin Committee. They emphasize that a joint submission should not be rejected lightly, a conclusion with which I agree. 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 reasons, as I shall explain.”

23. While more detail could have been provided relating to the facts, we recognize that there may be many outstanding issues relating to the party’s dispute which would have limited opportunities for mutual agreement. To attempt to litigate and resolve these outstanding issues would have added unneeded length and complexity to the proceedings which would not have benefitted the public, the members of the profession or the parties involved. Therefore, we are satisfied that we have enough suitable information to proceed.

24. In examining the joint submission in relation to the case law and the Member’s circumstances, we find that the six-week suspension is within the range of penalties imposed in similar circumstances. While six weeks is ostensibly on the low end of the sentencing range, the practice conditions that are proposed for a year will provide the Member with greater supervision, and the public with greater protection in the long run, so that the Member can continue to practice in the future in both an ethical and professional fashion.

ORDER

25. Therefore, the Hearing Committee suspends the Member for a period of six weeks commencing 12:01 a.m. on December 4th, 2019. At the Hearing, the Member voluntarily ceased practicing at that time and counsel for the Law Society consented to that particular start date of the suspension.

26. Further, the Member will pay the costs related to the complaint, fixed in the amount of \$2,000.00. The costs are payable to the Law Society on or before June 30th, 2020 unless the parties agree in writing to a different payment schedule.

27. Pursuant to section 53(3)(iii) of the *Legal Profession Act*, the Member will be subject to the following practice conditions for a period of twelve months immediately following the expiration of his six-week suspension:

1. He will, as an employee or otherwise at his own expense, practice under the supervision of LAURIE B. BURROWS or such other Member of the Law Society of Saskatchewan, as approved by the Society (the "Supervising Member"), and under a plan of supervision as detailed herein.
2. In the event that he wishes to change his approved practice arrangement or Supervising Member, he will obtain the prior approval of the Society for the change. All of the within terms and conditions continue to apply to such arrangement or Supervising Member.
3. He will ensure that the Supervising Member is made fully aware of the circumstances surrounding the current Law Society complaint matter, any new complaint matters that may arise, and any changes in the status of complaint matters.
4. He consents to the Society obtaining information and materials directly from the Supervising Member to enable evaluation of the supervision agreement and his practice, including, without limiting the generality of the foregoing, reports, file lists;
5. He shall immediately report to the Society and/or SLIA (as appropriate) any potential claims, complaints or conduct issues including, but not limited to, instances where substance use may have affected his work and/or interactions with others, as well as those files where there are ethical concerns, conflicts of interest, delay, or concerns about dilatory practice;
6. He shall not attend at his office or any court, or perform work on behalf of clients when there is any intoxicating substance in his system for which he does not possess a valid prescription, and is using as directed and under the supervision of a medical professional; and
7. If he will be using an intoxicating substance as directed and under the supervision of a medical professional with a valid prescription, he shall notify the Supervising Member of this and potential effects on his work, and consent to such information being provided to the Society.

"John Morrall", Chair

December 20, 2019

"Andrea Argue"

December 20, 2019

"Lynda Kushnir Pekrul"

December 20, 2019

AGREED STATEMENT OF FACTS AND ADMISSIONS

In relation to the Amended Formal Complaint dated November 26, 2019 alleging that ERIC TOLLEFSON, of the City of Saskatoon, in the Province of Saskatchewan is guilty of conduct unbecoming a lawyer in that he:

1. Did act or continue to act for his family law client, J.R. in the presence of a conflict of interest arising out of his engagement in an intimate relationship with her.

JURISDICTION

28. Eric Tollefson (the "Member") is, and was at all times material to this proceeding, a practicing member of the Law Society of Saskatchewan (hereinafter the "Law Society"), and accordingly is subject to the provisions of *The Legal Profession Act*, 1990 (hereinafter the "Act") as well as the Rules of the Law Society of Saskatchewan (the "Rules"). Attached at Tab 1 is a Certificate of the Executive Director confirming the Member's status.

29. The Member is currently the subject of an Amended Formal Complaint dated November 26, 2019. The Amended Formal Complaint contains the single allegation noted above. The Amended Formal Complaint was served upon the Member on November 26, 2019. Attached at Tab 2 is a copy of the Amended Formal Complaint along with proof of service. The Member intends to plead guilty to the allegation set out in the Formal Complaint.

BACKGROUND OF COMPLAINT

30. The Law Society began an investigation into the Member when, on April 16, 2018, a complaint was received from S.N. on behalf of herself and her current partner, M.M. The Member had prepared an Affidavit for S.N. on her family law file while articling with another law firm but had never appeared for nor interviewed S.N. At the time of the complaint the Member was not representing S.N. The Member's firm and his principle did however, eventually come to represent the J.R., the former spouse of M.M. The primary concern raised in the complaint of S.N. and M.M. was that the Member was engaging in a sexual relationship with J.R. while he was representing her in her family law matter related to M.M.

PARTICULARS OF CONDUCT

31. The Member articulated with Office X from 2016 to 2017 and was admitted as a member in May of 2017. While at Office X, the Member worked on S.N.'s family law file as an articling student. S.N.'s file concluded in January of 2017. In May 2017, J.R. retained the Member's firm to assist with her family law matters against M.M. There is no temporal overlap between the Member's engagement on S.N. file (current partner of M.M.) and his representation of J.R. (former partner of M.M.).

32. In May 2017 when the Member began representing J.R. he provided J.R. with his cell phone number. Shortly thereafter, an intimate relationship developed between the Member and J.R.

33. The Member accepted a position in Saskatoon at another law firm in September of 2017. The Member's last day of work in Office X was October 11, 2019. On October 12, 2017 J.R. was served with a Court Application returnable November 27, 2017. The Member attempted to direct J.R. to another lawyer to represent her but agreed to prepare her court documentation and represent her if she could not find another lawyer to represent her. As J.R. was working

away from home at the time she was unable to make arrangements for another lawyer. Attempts to have the matter adjourned were opposed and thus the Member felt compelled to represent J.R. in the court hearing. The Member states that he did charge J.R. for legal services but that he did not record all of his time. The Member did advise J.R. he could no longer be her lawyer.

34. At the time the Member commenced his relationship with J.R. he was married but separated from his spouse shortly thereafter. His relationship with J. R. continued. The Member was still counsel of record in May of 2018, after the complaint was brought to his attention. The Member ended his relationship with J.R. after the complaint came to his attention and so advised the Law Society. However, since then, the Member has resumed his relationship with J.R. and it continues at the present time.

35. As a result of the Member's relationship with J.R. he became embroiled in the marital dispute between J.R. and M.M. The Member has continued to be the subject of other allegations from S.N. to the Law Society which has resulted in further time-consuming investigation.

36. The Member was drawn into a high conflict text message exchanges with M.M. and S.N. continued to message the Member as well as other family members.

37. The Member admits that during the course of the investigation of this complaint and his involvement in this matter has resulted in him seeking treatment for addictions and mental health concerns.

38. The Member was terminated from his job in Saskatoon after the complaint to the Law Society was revealed in May of 2018. He resumed practice with Laurie Burrows on December 4, 2018 pursuant to a set of practice conditions requiring both that the Member be supervised by Mr. Burrows and that he submit to drug and alcohol testing. All drug and alcohol testing results received by the Law society have shown the Member to have a clean screen.

39. The Member has been practicing with Mr. Burrows for nearly a full year and no concerns have been raised in connection with his conduct or his practice. The Member has continued his relationship with J.R.

PRIOR HISTORY

40. The Member has no prior findings of conduct unbecoming