



Law Society  
of Saskatchewan

**JESSE BARON**

**HEARING DATE: September 10, 2021**

**DECISION DATE: October 12, 2021**

***Law Society of Saskatchewan v. Baron, 2021 SKLSS 4***

**IN THE MATTER OF *THE LEGAL PROFESSION ACT, 1990*  
AND IN THE MATTER OF JESSE BARON,  
OF SALTCOATS, SASKATCHEWAN**

**DECISION OF THE HEARING COMMITTEE FOR THE  
LAW SOCIETY OF SASKATCHEWAN**

Counsel: Timothy Huber for the Law Society of Saskatchewan  
Nicholas Stooshinoff, Q.C. for Jesse Baron

**INTRODUCTION**

1. This is the matter of the application of Jesse Baron for admission as a Student-at-Law. This Hearing Panel was struck as a result of the Executive Director of the Law Society's referral of Mr. Baron's application to the Competency Committee of the Law Society, pursuant to Rule 729 (5)(d) of the Rules of the Law Society of Saskatchewan.

2. The considerations for our Hearing Panel are set out in Rule 729 of the Rules of the Law Society of Saskatchewan, as follows:

**729 (2) In any application pursuant to this Part, applicants have the onus of proving that:**  
**(a) They are suitable to practice;**  
**(b) They are competent to perform the required duties, as applicable; and**  
**(c) Granting the application would not be inimical to the public interest or the members and would not harm the standing of the legal profession generally.**

3. When the Applicant applied to the Law Society of Saskatchewan ("LSS") for admission as a Student-at-Law he disclosed that he had in the past been found guilty of professional misconduct by the Professional Ethics Committee of the Saskatchewan Teacher's Federation ("STF"), and as a penalty had his teaching license suspended. The particulars of misconduct alleged against him by the STF were as follows:

That Jesse Baron did between May of 2014 and November of 2014, while employed by the Good Spirit School Division No. 204 as a teacher at Yorkdale Central School and while a member of the Saskatchewan Teacher's Federation:

- (a) Make inappropriate comments using email and social media;
- (b) Breach the terms of the School Division:
  - a. Administrative Procedures Manual;
  - b. Information Technology Acceptable Use Agreement; and
  - c. Confidentiality Policy.

4. At the time of the STF hearing, the Applicant signed an Agreed Statement of Facts ("ASOF") in which he acknowledged posting to his Twitter account posts that were objectively sexually suggestive, posts which identified himself as an educator, and posts with race and sexual orientation based content. Further, the ASOF stated that Mr. Baron's school division issued computer contained a personal letter that was written by Mr. Baron and saved as a Word document. That letter named a student and was offensive in its description of the student.

5. The Professional Ethics Committee of the STF concluded that Mr. Baron's actions constituted professional misconduct. In levying a penalty, the Professional Ethics Committee noted, among other things, certain mitigating factors. These included the fact that Mr. Baron was candid and forthright in acknowledging wrongdoing and that he took responsibility for his actions. In June 2015, the penalty given by the STF was a suspension of his teacher's certificate for a further year. It is also of note that the Applicant had been interim suspended since November 2014. In June 2016 his teaching certificate was reinstated.

6. In his application to the LSS for admission as a Student-at-Law, Mr. Baron acknowledges that "my past may leave me with some work to do to convince the Society of my fitness to practice law." At the outset of the hearing and with consent of the parties, a number of documents were filed as exhibits. These included the Applicant's written application for admission, documents related to the STF's discipline and penalty decisions, and verification of his teaching certificate for the 2016-2017 teaching year. Mr. Baron and Shawn Patenaude both testified in support of the application. The LSS did not call *viva voce* evidence. It is well established and the parties agreed that the onus in this application is on the Applicant, on a balance of probabilities.

### **SUITABILITY TO PRACTICE LAW**

7. The focus of this hearing was whether the Applicant had proven that he had rehabilitated himself since the finding of professional misconduct by the STF, so that he would now be *suitable to practice* law under Rule 729 (2)(a). Suitability is a broad concept. Both counsel acknowledged that the concept of "good character" is inextricable from the examination of suitability. It is a rather common sense principle that it is in the public interest for lawyers to be of good character, and that a person would not be suitable to practice law if they did not possess this quality. This is because we generally accept that there is a relationship between good character and ethical conduct. The admissions process is meant to protect the public interest by looking at the character of an applicant, and anything else that could render admission inimical to the public interest.

8. In a discussion of what it means to be of good character in the context of the practice of law, *Spicer, Reasons of Convocation dated May 1, 1994* is oft cited:

Character is that combination of qualities or features distinguishing one person from another. Good character connotes moral or ethical strength, distinguishable as an

amalgam of virtuous attributes or traits which undoubtedly include, among others, integrity, candour, empathy and honesty.

9. In *Lawyers and Ethics: Professional Responsibility and Discipline*, (Scarborough: Carswell, 1993) author Gavin Mackenzie observes that:

the purposes of the good character requirement are the same as the purposes of professional discipline: to protect the public, to maintain high ethical standards, to maintain public confidence in the legal profession and its ability to regulate itself, and to deal fairly with persons whose livelihood and reputation are affected.

10. The human experience tells us that a person's character may change over time. In *Alden Birman v. Law Society of Upper Canada* [2005] ONLHP 0006, the Hearing Panel enumerated factors to be considered in matters such as the one before us now, where past misconduct has been established:

1. The nature and duration of the misconduct;
2. Whether the applicant is remorseful;
3. Rehabilitation efforts and the success of those efforts;
4. The applicant's conduct since the proven misconduct; and
5. The passage of time since the misconduct.

11. In assessing this matter we are also mindful of *Preya v. Law Society of Upper Canada* [2000] L.S.D.D. No. 60:

The relevant test is not whether there is too great a risk of future abuse by the applicant of the public trust, but whether the applicant has established his good character at the time of the hearing on a balance of probabilities. The test does not require perfection or certainty.

12. The relevant question for this Panel to determine is whether we find the Applicant suitable to practice law at the time of his application for admission as a Student-at-Law.

## **THE EVIDENCE**

13. Mr. Baron is 42 years old. He and his family reside in a small rural community. After he lost his teaching certificate in 2015 he began working as a legal assistant at Shawn Patenaude Law, and has since continuously been employed there with the exception of time spent in law school. When his teaching license was returned to him he considered a return to the classroom but ultimately decided to go to law school instead. When he applied to the College of Law he understood that his past disciplinary history would bring him under scrutiny when he applied for admission as a lawyer.

14. To his credit, the Applicant continued to be involved in his community both during and after his teaching suspension. He coaches children's sports, is in a community theatre group, and sings in a barber shop quartet. He sits on the board of Saltcoats Regional Park, and is involved in various other community committees devoted to community services and improvements. From time to time he assists the Saltcoats school's debate team.

15. On the subject of the objectionable social media posts, the Applicant acknowledged in correspondence to his former school division which was filed as an exhibit that the Tweets "could fairly be characterized as objectionable in nature, especially in the context of the field of

education... For me, my Twitter account was like the stage at a comedy club... I acknowledge that this content is offensive; it was intended as such.” He believed that by using a pseudonym for the Twitter account and by avoiding specific reference to his school, colleagues, and students that somehow his Twitter account was exempt from the rules of his profession. In his *viva voce* evidence before the panel, the Applicant discussed how at the time he made these posts he was attempting to participate in a comedy community populated by “shock” comedians whom he admired. He readily acknowledged that he gave insufficient regard to how making these kind of jokes could impact his role as a teacher, or how these posts could be hurtful to others. When asked to do so he immediately removed the posts. When asked about his perspective on such shock comedy today, the Applicant testified that he sees no place for that kind of comedic content in his life and that he wishes to contribute in a more positive way to his community.

16. On the subject of the personal letter in which he named a student, the Applicant testified that the letter was by far his greatest regret, saying: “Reading it again, I feel I betrayed that student...The letter does not express how I felt about that student or how we interacted.” He testified that at the time he had used hyperbolic terms to describe this student for the “shock” effect he wished to elicit from his friend who was the recipient of the letter. In truth he loved that student and though he used a pejorative term to describe the student he did not think of him as such. On both the matter of Twitter posts and the offensive letter, the Applicant testified that his actions demonstrated horrible judgement.

17. The Applicant’s remorse for his misconduct was evident throughout his testimony. He also showed insight into the negative consequences of his actions on his family, particularly his wife, testifying that “some of my biggest regrets are that she had to endure the consequences of what I did.” The STF discipline process was understandably difficult for both him and his family. In his evidence the Applicant focused more on the negative effects suffered by others than by himself. He also demonstrated insight into the sacrifice made by his wife and children to support his choice to leave the teaching profession and pursue a law degree.

18. The Applicant had similar insight into the damage done to his students, and testified that during the STF discipline process one of his biggest concerns was the consequences to his students. He was mindful of the negative effect his actions and resulting dismissal had on the students he left behind, particularly since these were students with learning and behavioral exceptionalities who required a teacher with specialized skills. He testified that he worried these children’s education and well-being were affected by his actions. He unequivocally stated what he did was wrong and he would not do it again. In summary, this Hearing Panel finds that the Applicant was deeply and genuinely remorseful for his actions which led to professional discipline by the STF.

19. With remorse must come change. On this point the Applicant testified about how he has grown since he left the teaching profession. He fairly stated that although he immediately ceased the offensive social media posts when asked to do so, gaining insight took some time. He now possesses a deeper understanding of what it means to be an “Ally” of those disadvantaged by society. He has moved away from the school of thought that through satire one could poke holes in regressive ideologies, as he no longer believes that that style of humor helps to advance the lives of the disadvantaged. Through law school and his work as a legal assistant he has gained a deeper appreciation of professional standards and regulation. He testified that he gained much humility going through the STF discipline process and the Panel observed that he did present his evidence with an attitude of humility.

20. The Applicant has received training on the importance of confidentiality in College of Law courses such as legal ethics, and in the PREP program. He testified that his work at Shawn Patenaude Law (“SP Law”) has also educated him on this issue, and Mr. Patenaude confirmed in his evidence the high degree of professionalism with which the Applicant conducts himself.

21. The Applicant appears to have been well respected by his law school classmates, as evidenced by his election as class valedictorian. He testified that being voted Valedictorian surprised him to some degree, as his family responsibilities meant he did not invest in the social life of the law school outside of Monday- Friday academia. While studying at the College of Law he was invited to be a teaching assistant, and did so. He feels he has a good working relationship with clients and colleagues at SP Law, and this was endorsed by Mr. Patenaude.

22. Shawn Patenaude testified in support of the application. Mr. Patenaude was called to the Saskatchewan Bar in 2006. His law firm is located in Yorkton and includes one other lawyer and eight legal assistants. Mr. Patenaude first met the Applicant when the latter interviewed for a legal assistant position at Mr. Patenaude’s firm. Mr. Patenaude observed the Applicant to be forthright and candid in the interview about why he was no longer teaching, and did not attempt to minimize his actions nor the reasons leading to STF discipline. His recollection was that it was the Applicant who raised the matter in the interview. At the time of this hearing the Applicant has been working with Mr. Patenaude for six years. Mr. Patenaude testified that the Applicant demonstrates respect for both clients and co-workers. He has never observed the Applicant to cross any kind of moral line he would draw for himself or his firm. Further, he noted that the Applicant is exceedingly patient and has been responsible for training other legal assistants in the firm. He has found the Applicant to be a kind and understanding person. He has never had any reason to doubt the Applicant’s integrity or honesty, and has never heard any complaints from clients or staff in this regard. He has never observed him to behave in a way that is negative or insulting or rude. It was clear that Mr. Patenaude respects the Applicant greatly, and hopes to continue working with him as a colleague well into the future.

23. Filed as an exhibit in this matter was a letter of reference from Stephen Farquarson, a retired principal and member of the local community. Mr. Farquarson refers to the Applicant as an “... honest, and sincere individual. When he was dismissed from the Good Spirit School Division, he made no attempt to deflect responsibility or blame for his actions... (his) response was always that he had put himself in that position and had to take whatever consequences were doled out.”

## **DISCUSSION**

24. Where past misconduct is established, the assessment of good character and general suitability must consider the time that has passed, and what efforts have been made in the interim towards rehabilitation. The Panel notes that the misconduct in question occurred over a six-month span. The Applicant acknowledged the offensive nature of the social media posts, and of the personal communication. Having had the opportunity to observe the accused testify, the Hearing Panel accepts that the Applicant was, and remains, genuinely remorseful for his actions. When confronted by his employer, the Applicant immediately removed the social media posts. He entered into an ASOF with counsel for the STF and acknowledged that his conduct deserved sanction. He was candid and forthright in the job interview with Mr. Patenaude and testified before the Hearing Panel in a straightforward and candid manner. In his testimony before this panel, he did not attempt to excuse or minimize his conduct.

25. Further, throughout his testimony, the Applicant demonstrated insight to the harm he had caused to others. Mr. Baron spoke about the impact his actions had his family and his students.

He candidly admitted he demonstrated horrible judgment and that it took time for him to more fully appreciate the impact of his actions on others.

26. As previously noted, the Applicant was suspended from teaching for a period of a year. While his teaching license was returned to him, he did not return to the classroom as a teacher. Rather, he began working as a legal assistant. Mr. Patenaude testified the Applicant is a valued employee and he has seen nothing over the last five years to indicate Mr. Baron would repeat this behavior. After being suspended, Mr. Baron continued to participate and volunteer within his local community. Members of his community provided letters of support.

27. The path chosen by Mr. Baron led him to graduate from the University of Saskatchewan, College of Law. The transcript provided by Mr. Baron indicates he completed courses with a professional standards or ethics component. It is also of note he was asked to be a teaching assistant, and despite his suggestion that his classmates not select him, the Applicant was chosen as class valedictorian. Based on the material and testimony of Mr. Baron and Mr. Patenaude, it appears the applicant has rehabilitated himself. It is the determination of this Hearing Panel the applicant has demonstrated he is now of good character such that he is suitable to practice law.

28. Having found the Applicant suitable to practice law we now turn our minds to the other branches of the test in Rule 729 (2). The evidence before the Hearing Panel was that Mr. Baron successfully graduated from the College of Law. Unlike the majority of graduates, Mr. Baron has a number of years of practical experience working as a legal assistant. Both Mr. Patenaude and Mr. Baron testifies to Mr. Baron's work around the law firm. We have no concerns about Mr. Baron's competency to perform the duties of a student at law.

29. The final step in our analysis is to determine whether or not granting this application would be inimical to the public interest or harm the standing of the legal profession. Much of what follows has been said elsewhere in this decision, but bears repeating. The misconduct in question occurred approximately seven years ago. The Applicant, seven years ago, acknowledged the conduct demonstrated horrible judgement. He signed an agreed statement of facts acknowledging the misconduct and thereby relieved the STF of proving the charges. He was interim suspended, terminated from his teaching job, and suspended for a further year. Ultimately, his teaching license was returned. While serving the suspension, the Applicant educated himself. He demonstrated insight and maturity in how he dealt with this matter. Since this incident, there appears to have been no further blemishes on Mr. Baron's record.

30. Society encourages those who have made mistakes to learn from those mistakes, to rehabilitate themselves, and to reintegrate as a contributing member of the community. Mr. Baron has done these things. The decisions of this law society and others, have permitted others who have arguably committed worse transgressions to return to the practice of law. They were given a second chance and this Panel sees no reason to deny Mr. Baron his second chance. We find it is not inimical to the public interest or to the standing of the legal profession to admit Mr. Baron as a Student-at-law.

## **CONCLUSION**

31. We find that the Applicant has demonstrated that he is suitable to practice law. Given the remorse shown, the insight gained through many years of education and training, and a proven record of good conduct since 2015, we find that Mr. Baron has grown as a professional and that the misconduct that led to his exit from teaching is unlikely to be repeated. Further, we have no concerns with respect to his competency, and we find that his admission as a Student-at-Law is

not inimical to the public interest, nor would it harm the standing of the legal profession generally. We therefore grant his application.

32. Counsel did not make submissions on the issue of costs and we decline to make an order for same.

Dated at the City of Moose Jaw, in the Province of Saskatchewan, this 12<sup>th</sup> day of October, 2021.

"Suzanne Jeanson, Chair"

Dated at the City of Weyburn, in the Province of Saskatchewan, this 12<sup>th</sup> day of October, 2021.

"Scott Moffat"

Dated at the City of Prince Albert, in the Province of Saskatchewan, this 12<sup>th</sup> day of October, 2021.

"John Morrall"