

Alternative Discipline Process (ADP) Consent Agreements

The ADP diverts lawyers from the regular discipline process into an alternative, remedial pathway focused on the support and management of health issues that have contributed to misconduct. All information disclosed in the ADP is confidential, however, the publication of anonymized summaries of completed ADP consent agreements, below, is permitted under Rule 3-9.8(3).

ADP Consent Agreement 1

The lawyer self-reported to the Law Society that they had submitted false benefit claims to their employer in order to address personal debt incurred as the result of an opioid addiction that had developed during a period of treatment for chronic pain. The addiction developed following treatment for chronic pain and was compounded by co-occurring mental health issues, including depression and anxiety related to both the addiction and their financial distress.

Recognizing the significance of their health issues, prior to their involvement in the ADP the lawyer sought intensive treatment, stabilized their financial circumstances, and committed to a monitoring regime to address their substance use.

Based on information provided by the lawyer and corroborated by supporting health-care professionals, which confirmed a clear connection between the lawyer's conduct and their substance use issues, the lawyer was found eligible for the ADP. The lawyer subsequently entered into a 12-month consent agreement that set out a structured recovery plan, including ongoing health monitoring and mandatory attendance at weekly support group meetings. As part of the agreement, the lawyer also undertook not to operate a sole practice, not to have access to trust accounts or trust funds, and not to be responsible for, or have access to, any employer funds or accounts.

ADP Consent Agreement 2

The lawyer self-reported to the Law Society that they had improperly withdrawn trust funds without first preparing a bill for the client, as well as failing to notify the Executive Director that they had not satisfied a garnishing order issued against them, contrary to the Law Society Rules. Health information provided to the ADP by the lawyer's treating psychiatrist confirmed that during the period in which these conduct issues arose, the lawyer was experiencing active psychosis that required in-patient treatment, and that this had contributed to their conduct.

At the time the lawyer's eligibility for the ADP was determined, they had taken significant steps to address their health issues and had developed a treatment plan in collaboration with their health-care providers.

The lawyer entered into a 12-month consent agreement in which they agreed to continue psychiatric treatment and to abstain from illicit substances. The agreement also included a structured return-to-work plan tailored to the lawyer's practice and personal circumstances. The agreement required the lawyer to arrange for a designated representative at their firm to support their return to practice and to act as a liaison with the ADP should the lawyer experience a recurrence of health or practice-related issues. Additionally, for the duration of the agreement, the lawyer committed not to work as a sole practitioner, not to operate trust accounts, and not to bill directly for contract work (e.g., legal aid files) while employed by their firm.

ADP Consent Agreement 3

The lawyer self-reported to the Law Society that they had inappropriately billed clients approximately \$4,000 for disbursements and overcharged their firm for personal expenses of a similar amount. The lawyer provided the ADP with a psychiatric report outlining how various mental health issues, including depression, anxiety, and an eating disorder, had contributed to the misconduct.

Based on the connection between the lawyer's health and conduct issues, the lawyer was found eligible for the ADP and entered into a nine-month consent agreement that incorporated recommendations from both a psychiatrist and therapist. Under the agreement, the lawyer committed to ongoing psychiatric and clinical care for their mental health conditions and to continuing with psychotherapy sessions that had commenced prior to the lawyer's involvement with the ADP.

The lawyer also agreed to identify a lawyer-mentor who would be available to provide guidance on practice management and other professional matters throughout the duration of the agreement. Additionally, the lawyer consented to refrain from providing legal services in certain areas of law and undertook not to accept fiduciary property or trust funds, except for payments directly related to legal services provided to clients or disbursements made on their behalf. The lawyer further agreed to promptly provide the Law Society with any information or documents requested in connection with trust transactions, client files, or other practice records.

ADP Consent Agreement 4

The lawyer was involved in a road-rage incident that was reported to the Law Society by a complainant and self-reported by the lawyer. The lawyer acknowledged that poor mental health had contributed to the conduct and identified the steps they had since taken to address their

health concerns, including attending wellness-related professional development courses and reducing their workload.

Following a positive ADP eligibility assessment, the lawyer entered into a consent agreement requiring them to attend a series of appointments with a psychologist and to identify a lawyer within the community—ideally a lawyer-counsellor from the Lawyers Assistance Program (LAP) —who could provide ongoing support as needed.

ADP Consent Agreement 5

The lawyer was the subject of two successive complaints over a three-month period. The first complaint alleged that the lawyer failed to respond to communications and to disclose information that was critical to advancing a work on a family law dispute. The second complaint similarly involved a failure to take timely steps on a family law matter.

The lawyer reported experiencing significant mental health challenges, including anxiety and panic attacks, which were attributed to their practice setting and area of practice. To address these health concerns, the lawyer took a leave of absence and subsequently left their firm. The lawyer actively transitioned out of family law and joined a new firm that provided a different practice focus and additional professional supports.

Based on the established connection between the lawyer's health issues and their conduct, the lawyer was found eligible for the Alternative Discipline Program (ADP) and entered into a three-month consent agreement. As part of the agreement, the lawyer committed to providing the ADP with regular updates regarding any changes to their support system, employment status, or health.

ADP Consent Agreement 6

The lawyer was the subject of a complaint from an opposing party, which raised several concerns, including the lawyer's failure to clearly communicate with opposing counsel, ineffective oversight of an articulated student, and a technical breach of the Law Society Rules related to client billing. The lawyer attributed their conduct issues to anxiety and depression that developed following a sudden and significant personal loss. The lawyer's diagnosis was confirmed by both their physician and therapist.

Prior to their referral to the ADP, the lawyer took a number of proactive steps, including leaving their firm and starting their own practice in an attempt to gain greater control over their schedule and allow more time for mental health care, attending psychotherapy sessions, and engaging in regular physical activity.

Based on the nexus between the lawyer's health issues and their practice challenges, the lawyer was found eligible for the ADP and entered into a six-month consent agreement. Under the agreement, the lawyer committed to following a structured health plan, which included continued attendance at therapy appointments. The lawyer also agreed to identify a designated individual within their firm, to whom they would disclose their participation in the ADP and provide consent for this individual to notify the ADP if the lawyer's mental health challenges began to affect their practice. Additionally, the lawyer committed to reviewing practice management course materials and relevant sections of the *Trust Accounting Handbook*, and completing professional development focused on the responsibilities of serving as a principal.