

**LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL
HEARING DIVISION**

BETWEEN:

THE LAW SOCIETY OF BRITISH COLUMBIA

AND:

LEONARD HIL MARRIOTT

RESPONDENT

**RULE 4-29 ADMISSION OF MISCONDUCT AND
UNDERTAKING TO THE DISCIPLINE COMMITTEE**

1. On April 3, 2025, the Discipline Committee considered and accepted a proposal submitted by the Respondent under Rule 4-29 of the Law Society Rules (the “Rules”).
2. Under the Rule 4-29 proposal, the Respondent sought to resolve the Citation issued December 13, 2022 (“Citation #1”) and the Citation issued June 14, 2023 (“Citation #2”) (“collectively, the “Citations”), by admitting professional misconduct as found by the hearing panels in their Facts and Determination decisions indexed at [2024 LSBC 47](#) and [2025 LSBC 05](#).
3. Under the Rule 4-29 proposal, the Respondent will tender his resignation from the Law Society by July 1, 2025 (the “Resignation Date”) and for a period of 10 years commencing July 1, 2025, the Respondent will:
 - (a) not engage in the practice of law in British Columbia, with or without the expectation of a fee, gain or reward, whether direct or indirect, until such time as he may again become a member in good standing of the Law Society;

- (b) not apply for admission or re-admission to the Law Society or elsewhere within Canada prior to July 1, 2035;
- (c) not apply for membership in any other law society (or like governing body regulating the practice of law) prior to July 1, 2035, without first advising in writing to the Law Society;
- (d) not permit his name to appear on the letterhead of, or otherwise work in any capacity whatsoever, for any lawyer or law firm in British Columbia, without obtaining the prior written consent of the Executive Director of the Law Society;
- (e) resign from any fiduciary roles arising from a solicitor-client relationship, unless he has obtained the prior written consent of the Executive Director of the Law Society;
- (f) not assume any fiduciary roles arising from a solicitor-client relationship, unless he has obtained the prior written consent of the Executive Director of the Law Society; and
- (g) not handle any fiduciary property arising from a solicitor-client relationship as defined in Rule 1 of the Law Society Rules, unless he has obtained the prior written consent of the Executive Director of the Law Society

(the “Undertaking”).

4. In the interim period, the Respondent has provided an undertaking not to handle trust funds or fiduciary property or open or operate a trust account other than in accordance with a Trust Supervision Agreement.
5. As a result, the Citations are now resolved under Rule 4-29 of the Rules and the Respondent’s admission and the Undertaking will be recorded on his professional conduct record.
6. In making its decision, the Discipline Committee considered the Facts and Determination decisions indexed at [2024 LSBC 47](#) and [2025 LSBC 05](#) and a letter to the Chair of the

Discipline Committee dated March 11, 2025, in which the Respondent admitted the disciplinary violations and gave his Undertaking. The Committee also considered the Respondent's prior professional conduct record, which includes two sets of conditions and limitations on his practice, one prohibition from acting as principal, and two administrative suspensions.

7. As part of the Rule 4-29 proposal, the Respondent has acknowledged that, pursuant to Rule 4-29(5) of the Rules, his Undertaking not to practice law means that he is a person who has ceased to be a member of the Law Society of British Columbia as a result of disciplinary proceedings and that section 15(3) of the *Legal Profession Act*, S.B.C. 1998, c. 9 (the "*LPA*"), applies to him.
8. At the conclusion of the term of his Undertaking, pursuant to section 19(3) of the *LPA*, should the Respondent apply for reinstatement in British Columbia, a mandatory credentials hearing must be held to consider his good character and fitness to practice law, with the Respondent bearing the onus of demonstrating he meets the requisite test. The Respondent's professional conduct record reflecting this admitted misconduct, as well as any other relevant information, would be considered at that time.
9. If the Respondent were to be reinstated, he would have to comply with any "conditions on returning to practice" that a credentials panel may impose. The Law Society of British Columbia would have the opportunity to seek appropriate conditions to protect the public.
10. As such, the public will be protected as the Respondent is not permitted to practice law for a minimum of 10 years. The geographic scope of the Undertaking (specifically the prohibition against practising elsewhere in Canada and the requirement to inform the Law Society if he applies to practice elsewhere in the world), and the Undertaking to not act in any fiduciary roles arising from a solicitor-client relationship without the prior written consent of the Executive Director of the Law Society, add additional layers of protection beyond the orders that can or are likely to be made by a discipline hearing panel.

11. Finally, if the Respondent applies for reinstatement, he will be subject to a process in which he bears the onus of proof as to his fitness to practice law.
12. The findings of professional misconduct by the hearing panels are summarized below.

Member Background

13. The Respondent was called and admitted as a member of the Law Society on February 14, 1992.
14. The Respondent practised law as a sole practitioner from his call date until July 1, 1992, when he became an inactive member. On December 31, 1992, he became a former member.
15. The Respondent was reinstated on November 3, 2015, with conditions on his law practice. Since January 1, 2018, he has practiced law at his own firm.

Citation #1

16. Citation #1 was authorized by the Discipline Committee on November 30, 2022 and issued on December 13, 2022.
17. Citation #1 concerns the Respondent's actions between May 2019 and September 2020 while acting for his elderly and unsophisticated client and the estate of her deceased spouse in a wills and estates matter.
18. On February 6, 2025, the hearing panel issued its decision on facts and determination in *Law Society of BC v. Marriott*, [2025 LSBC 05](#).
19. The hearing panel made a determination of professional misconduct in relation to the Respondent's conduct in failing to provide the quality of service expected of a competent lawyer by filing an incorrect form with the Land Title Office and severing the client's joint tenancy, as opposed to placing the family home into the client's name as the surviving joint tenant.

20. The Respondent also failed to, *inter alia*, adequately investigate the facts and identify the legal issues; keep the client reasonably informed about the status and substance of her matters; take appropriate steps to carry out the client's instructions and protect her interests; and give reasonable attention to the review of documentation in the client's matters to avoid delay and unnecessary costs to correct errors or omissions.
21. The hearing panel also made a determination of professional misconduct in relation to the Respondent's conduct in drafting and filing materials with the Supreme Court of British Columbia that he knew contained false or misleading information, in that he failed to disclose the existence of a will for the client's deceased spouse, identify other potential beneficiaries, accurately represent the value of the estate, and advise the court that a related notice of dispute had been filed. He failed to ensure the materials were forthright and accurate, and to take appropriate steps to rectify and correct the information and materials filed.
22. The panel observed that while the Respondent's conduct could also be characterized as incompetent performance of duties undertaken in the capacity of a lawyer, it preferred the adverse determination of professional misconduct because of the added elements of the Respondent's lack of candour and honesty.

Citation #2

23. Citation #2 was authorized by the Discipline Committee on June 8, 2023 and issued on June 14, 2023.
24. Citation #2 concerns the Respondent's actions between July 2018 and March 2021 while acting for his elderly and vulnerable client and her estate in a wills and estates matter.
25. On December 13, 2024, the hearing panel issued its decision on facts and determination in *Law Society of BC v. Marriott*, [2024 LSBC 47](#).
26. The hearing panel made a determination of professional misconduct in relation to the Respondent's failure to provide the quality of service required of a competent lawyer regarding the preparation, drafting and execution of his client's will.

27. In particular, the Respondent failed to, *inter alia*, obtain, confirm, and/or correctly document instructions from his client; determine the status of the beneficiary of the client's will as a legal entity or use the correct legal name of the beneficiary in the will; review the final draft of the client's will with the client before it was executed; and take steps to deal with matters affecting the validity of the will, including but not limited to bringing the issues with the will to the attention of the court.
28. The hearing panel also made a determination of professional misconduct in relation to the Respondent's pre-taking of \$71,149.12 in executor fees (the "Executor Fees") from the estate without signed releases from the beneficiary or its representatives waiving the passing of the Respondent's accounts or obtaining a court order authorizing payment.
29. The Panel found that the Executor Fees were not fair and reasonable, and ordered the Respondent to return the Executor Fees to his trust account by December 31, 2024 and not withdraw the funds until he obtains consent of the beneficiary or a court order.
30. The hearing panel also made a determination of professional misconduct in relation to the Respondent's improper withdrawal of \$7,560 in legal fees.

Admission

31. In the letter to the Chair of the Discipline Committee dated March 11, 2025, the Respondent admits that he has professionally misconducted himself by committing the disciplinary violations in relation to the Citations, as found by the hearing panels in their decisions on facts and determination.