

2012 : No. 2 Summer

John Lyndon Decore

Edmonton, Alberta

Called to the bar: August 28, 1992

Suspended: April 8, 2020; ceased membership: January 1, 2012

**Discipline hearing** : March 23, 2012

**Panel** : Gregory Petrisor, Chair, Linda Michaluk and Dale Sanderson, QC

**Report issued** : May 17, 2012 (2012 LSBC 17)

**Counsel** : Alison Kirby for the Law Society and John Lyndon Decore on his own behalf

## Facts

John Lyndon Decore failed to complete and certify completion of his 2009 continuing professional development requirements. As a result, the Law Society suspended him on April 8, 2010.

On April 8, 2010, the Law Society sent a letter to Decore advising him of the suspension. He wrote to the Law Society in December 2010 using a different return address than the one on record with the Law Society.

Between December 2010 and August 2011, the Law Society sent several letters to Decore at one or both addresses. The letters initially requested a reply regarding his 2009 and 2010 continuing professional development requirements and also asked if he had engaged in the practice of law since his suspension. He was later notified, in writing, that the matter had been referred for possible disciplinary action. Decore did not respond to any of this correspondence.

On January 1, 2012, Decore ceased being a member of the Law Society for non-payment of his annual fees.

## Admission and disciplinary action

At the hearing, Decore admitted receiving at least some of the letters the Law Society sent to him. He admitted that he did not respond to that correspondence.

Decore did not challenge the allegation of professional misconduct and gave evidence of his personal circumstances from 2010 through to early 2012. He stated he did not want to make excuses for not responding to the Law Society's communications.

In light of the repeated attempts by the Law Society to elicit a response from Decore, his prolonged and unexplained failure to respond and his admissions, the panel concluded Decore's conduct constituted professional misconduct.

While it seemed apparent that Decore was not engaged in the traditional practice of law on behalf of clients, he was nonetheless subject to the normal obligations of all lawyers. The failure to respond to communications from the Law Society could harm the public's perception of the Law Society's ability to effectively regulate lawyers.

In the panel's view, Decore's failure to respond to Law Society correspondence over an extended period of time, offering no explanation prior to the hearing, and an administrative suspension for failing to complete

continuing professional development requirements, were aggravating factors.

The panel considered the fact that Decore acknowledged the misconduct and did not gain any advantage from it as mitigating factors.

The panel accepted Decore's admission and ordered that he:

1. pay a \$2,000 fine;
2. pay \$2,500 in costs; and
3. provide a written and substantive response to the Law Society's -letters.