

LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL
HEARING DIVISION

BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA

AND:

LEONARD HIL MARRIOTT

RESPONDENT

CITATION

TO: **Leonard Hil Marriott**
North Valley Law
#1, 4205 - 27th Street
Vernon, BC V1T 4Y3

TAKE NOTICE THAT by direction of the Discipline Committee of the Law Society of British Columbia, a Hearing Panel of the Law Society will, at a date and time to be set, conduct a hearing to inquire into your conduct or competence as a member of the Law Society of British Columbia, in accordance with section 38 of the *Legal Profession Act*. Parts 4 and 5 of the Law Society Rules outline the procedures to be followed at the hearing. Your appearance before the Hearing Panel may be your only opportunity to present evidence, call witnesses or make submissions.

The allegations against you are:

1. Between approximately May 2019 and September 2020, in relation to your client SG, a property transfer matter and an estates matter involving the estate of MM, you failed to provide your client with the quality of service expected of a competent lawyer, contrary to one or more of rules 2.1-3, 3.1-

2, and 3.2-1 of the *Code of Professional Conduct for British Columbia*. In particular, you failed to do one or more of the following:

- (a) adequately investigate the facts and identify the legal issues;
- (b) recognize limitations in your ability to handle the matters and take appropriate steps accordingly;
- (c) communicate effectively with the client;
- (d) ensure that all steps were attended to within a reasonable time frame;
- (e) keep the client reasonably informed about the status and substance of her matters;
- (f) take appropriate steps to carry out the client's instructions and protect her interests;
- (g) give reasonable attention to the review of documentation in the client's matters to avoid delay and unnecessary costs to correct errors or omissions;
and
- (h) provide your client with complete and accurate relevant information about the matters.

This conduct constitutes professional misconduct or incompetent performance of duties undertaken in the capacity of a lawyer, pursuant to s. 38(4) of the *Legal Profession Act*.

2. Between approximately July 2019 and September 2020, in relation to your client SG and an estates matter involving the estate of MM, you drafted and filed materials with the Supreme Court of British Columbia that you knew or ought to have known contained false or misleading information, or you failed to ensure the materials were forthright and accurate, or you did both, contrary to one or more of rules 2.1-2, 2.1-5, 2.2-1, 5.1-1, and 5.1-2 of the *Code of Professional Conduct for British Columbia*. In particular, you failed to do one or more of the following:

- (a) disclose the existence of a will for the deceased person;
- (b) identify that the deceased person had other potential beneficiaries or heirs;
- (c) accurately represent the value of the estate;
- (d) advise the court that a related notice of dispute had been filed by another party; and
- (e) take appropriate steps to rectify and correct the information and materials you filed with the Supreme Court of British Columbia.

This conduct constitutes professional misconduct, pursuant to s. 38(4) of the *Legal Profession Act*.

3. In or about November 2019, in relation to an estates matter involving the estate of MM, you advised counsel for BD that you were not in possession of and had never seen a valid will for the deceased, when you knew or ought to have known that this statement was false or misleading, contrary to one or both of rules 2.1-5 and 2.2-1 of the *Code of Professional Conduct for British Columbia*.

This conduct constitutes professional misconduct, pursuant to s. 38(4) of the *Legal Profession Act*.

If you fail to appear at the hearing, the Hearing Panel may proceed with the hearing in your absence and make any order that it could have made had you been present.

DATED at Vancouver, British Columbia, this 13th day of December, 2022.



Tara McPhail, Director of Discipline
and External Litigation
The Law Society of British Columbia