



# The Law Society of Newfoundland and Labrador

P.O. Box 1028 St. John's, NL A1C 5M3

## NOTICE OF SUSPENSION

**W. Leslie Thistle**

**Roll #979**

**TAKE NOTICE THAT** an Adjudication Tribunal of the Disciplinary Panel of the Law Society of Newfoundland and Labrador, having conducted a hearing pursuant to the *Law Society Act, 1999*, found **W. Leslie Thistle** of Mount Pearl, Newfoundland and Labrador, guilty of conduct deserving of sanction.

The Adjudication Tribunal has ordered that Mr. Thistle shall be suspended for a period of thirty (30) days.

**TAKE NOTICE THAT** an Adjudication Tribunal of the Disciplinary Panel of the Law Society of Newfoundland and Labrador, having conducted a hearing pursuant to the *Law Society Act, 1999*, found **W. Leslie Thistle** of Mount Pearl, Newfoundland and Labrador, guilty of conduct deserving of sanction.

The Adjudication Tribunal has ordered that Mr. Thistle shall be suspended for a period of 4 months.

Pursuant to the Adjudication Tribunal Orders W. Leslie Thistle is not entitled to practice law during the period December 23, 2017 through April 22, 2018, inclusive.

**DATED** at St. Johns, in the province of Newfoundland and Labrador, this <sup>22<sup>nd</sup></sup> day of December, 2017.

  
Donald E. Anthony  
Vice-President  
Law Society of Newfoundland and Labrador



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## DISCIPLINARY NOTICE

**TAKE NOTICE THAT** an Adjudication Tribunal of the Disciplinary Panel of the Law Society of Newfoundland and Labrador, pursuant to the *Law Society Act, 1999*, found W. Leslie Thistle of Mount Pearl, NL guilty of conduct deserving of sanction. The Adjudication Tribunal determined that Mr. Thistle failed to act with integrity, failed to be both honest and candid when advising clients and failed to use reasonable efforts to ensure that the client comprehends the lawyer's advice and recommendations, failed not to advise or represent both sides of a dispute and not act or continue to act in a matter where there is or is likely to be a conflicting interest, and failed to avoid questionable conduct.

An excerpt from the Adjudication Tribunal's Decision dated March 10, 2016 follows:

*Given the nature and gravity of Mr. Thistle's conduct in this case the Adjudication Tribunal views the need to maintain the public's confidence in the integrity of the legal profession as the paramount one given its findings in this case. In this regard, Mr. Thistle knew or ought to have known that he was in breach of his professional obligations regarding a conflict of interest between clients and knew or ought to have known that the result of placing the mortgage to allow JM and DM to obtain money by utilizing the guise of a legitimate arms-length mortgage was directly in contravention of the rules of Self Directed Retirement Savings Plans permitted by the Canada Revenue Agency. His behavior was and is not behavior that would engender or maintain the public's confidence in the integrity of the legal profession. That his conduct deserves sanction is beyond question. The question the Adjudication Tribunal is left with is what should be the nature and level of sanction imposed by it upon Mr. Thistle.*

On appeal by Mr. Thistle to the Supreme Court of Newfoundland and Labrador, Trial Division, the Court upheld the Adjudication Tribunal's Decision.

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An excerpt from the decision of the Supreme Court of Newfoundland and Labrador follows:

*Overall they [Tribunal] present a well-reasoned, transparent and intelligible analysis of the facts and issues relevant to an appropriate sanction. They further display an appreciation of the appropriate legal considerations in the disciplinary context. Notably, in reading its decision on sanction the Tribunal was alive to the fact that the fundamental purpose of the sanctioning process is the protection of the public and to maintain a high degree of confidence in the legal profession (Juneja).*

The Adjudication Tribunal ordered, pursuant to subsection 50(3) of the *Law Society Act, 1999* that:

- (i) W. Leslie Thistle is hereby reprimanded under paragraph 50(3)(a);
- (ii) W. Leslie Thistle is hereby reprimanded under paragraph 50(3)(b) and that specifically, Mr. Thistle be suspended from the practice of law for a period of thirty (30) days;
- (iii) W. Leslie Thistle is hereby reprimanded under paragraph 50(3)(m) and that the Law Society publish a summary of the Adjudication Tribunal's decision, including the information set out in subsection 51(4);
- (iv) W. Leslie Thistle shall be required to pay eighty (80%) of the costs incurred by the Law Society related to the hearing of Part I of the Complaint;
- (v) W. Leslie Thistle be given a period of six months in which to pay the Law Society's costs.



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## DISCIPLINARY NOTICE

**TAKE NOTICE THAT** an Adjudication Tribunal of the Disciplinary Panel of the Law Society of Newfoundland and Labrador, pursuant to the *Law Society Act, 1999*, found W. Leslie Thistle of Mount Pearl, NL guilty of conduct deserving of sanction. The Adjudication Tribunal found that Mr. Thistle is guilty of failure to comply with Chapters I, III, V, VI and XIX of the *Code*. The Tribunal found Mr. Thistle not guilty of failure to comply with Chapters II and VII of the *Code*. The Respondent is guilty of conduct deserving sanction, within the meaning of the *Law Society Act, 1999*, c. L-9.1.

Excerpts from the Adjudication Tribunal's Decision dated April 7, 2016 follow:

*I.F. approached Mr. Thistle in January, 2007 to provide legal services to X. Resorts Inc. in connection with a proposed purchase from B.P. Ltd. and other matters. ... It was a breach of the Code for Mr. Thistle not to advise I.F. of the potential conflict and his need for independent legal advice arising from his role as lawyer, as well as Shareholder, Director and/or creditor of X. Resorts Inc.*

*The Letter of Intent dated March 14, 2007 contained terms that suggested the potential for a conflict of interest between Mr. Thistle and I.F., including reference to an arbitration clause to resolve disputes, a shareholder agreement and a non-competition agreement. Mr. Thistle drafted the Letter of Intent having regard to protection of his own interests.*

*The Commentary in paragraph 4 of Chapter V states that the lawyer should avoid a debtor-creditor relationship with a client. Mr. Thistle's advance of money initially to X. Resorts Inc. created such a relationship. ... The advance of funds to his client and failure to arrange adequate documentation was a violation of Chapter VI of the Code and also Chapter XIX of the Code, failure to observe the rules in spirit as well as letter.*

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*Mr. Thistle was also in a conflict of interest with respect to X. Enterprises Inc. Mr. Thistle drafted an Agreement in June, 2009 having regard to his own interests. At that time he had invested over \$200,000.00 in the companies. The draft Agreement referred to an arbitration clause, and other agreements that contemplated the potential of a conflict of interest.*

*Mr. Thistle, as lawyer for X. Enterprises Inc., filed Notice of Directors and Notice of Registered Office, to remove himself as a Director and add I.F. as Director, without instructions from I.F. in March, 2011. He acted in his personal interest in that regard. He had just been informed by Canada Revenue Agency that X. Enterprises Inc. had unpaid employee remittances, and he was concerned about his personal liability as Director. He did not inform I.F. about his filing of the Notice of Directors. In this instance, Mr. Thistle was in conflict of interest arising from his business transaction with his client. He used his position as lawyer to advance his personal interests.*

The Adjudication Tribunal ordered, pursuant to subsection 50(3) of the *Law Society Act, 1999* that:

- (a) The Respondent, W. Leslie Thistle, be reprimanded.
- (b) The Respondent, W. Leslie Thistle, be suspended for a period of 4 months to take effect commencing two months after the date of this Order.
- (c) The Respondent, W. Leslie Thistle, shall pay 75% of the expenses incurred by the Law Society of Newfoundland and Labrador, in the amount to be determined by the Law Society, in the investigation and hearing of the complaint, up to the date of the decision of the Tribunal on April 7, 2016, payable within 6 months from the date of this Order; and the Law Society and the Respondent shall each pay 100% of their own expenses incurred for the hearing related to sanction.
- (d) Publication will be in accordance with the Law Society Rules.
- (e) The Decision and Order shall take effect upon service, in accordance with the Law Society Rule 9.14, except to the extent varied by this Order.