

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. In or between approximately July 2018 and February 2019, in relation to your client AB (the “Client”) concerning a wills and estates matter, you failed to provide the quality of service required of a competent lawyer in a similar situation, contrary

to one or more of rules 3.1-2, 3.2-1, and 3.3-1 of the *Code of Professional Conduct for British Columbia*, including by doing one or more of the following:

- (a) failing to obtain, confirm, and/or correctly document instructions from the Client on all necessary matters;
- (b) failing to determine the status of the “society” as a legal entity or its correct legal name, or both, when you drafted the will naming the “society” as a beneficiary;
- (c) providing the Client’s unsigned will to a named beneficiary, or representative thereof;
- (d) failing to review the final draft of the Client’s will with them before it was signed;
- (e) failing to ensure that the will was properly executed; and
- (f) failing to take all appropriate steps to deal with matters affecting the validity of the will, including, but not limited to, bringing these matters to the attention of the Court prior to the granting of probate.

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

2. Between approximately March 5, 2019 and March 15, 2019, while acting as the executor and trustee of the estate of AB, your former client, you improperly withdrew from trust some or all of \$71,149.12 in executor fees, prior to receiving signed releases from the beneficiary or their representative waiving the passing of your accounts or obtaining a court order authorizing the payments, contrary to one or more of Rule 3-64 of the Law Society Rules, rule 3.6-1 of the *Code of Professional Conduct* for British Columbia and your fiduciary duties.

This conduct constitutes professional misconduct, conduct unbecoming the profession, or a breach of the Act or rules, pursuant to s. 38(4) of the *Legal Profession Act*.

3. Between approximately March 5, 2019 and March 9, 2021, while acting as the executor and trustee of the estate of AB, your former client, you misappropriated or improperly withdrew from trust some or all of \$26,760.21 when you were not entitled to those funds, contrary to one or both of Rule 3-64 of the Law Society Rules and your fiduciary duties.

This conduct constitutes professional misconduct, conduct unbecoming the profession, or a breach of the Act or rules, 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 14th day of June, 2023.



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