



The Law Society of
Upper Canada

Barreau
du Haut-Canada

THE LAW SOCIETY OF UPPER CANADA

Complaint Form Information Sheet

What types of complaints will the Law Society deal with?

As the regulator of the legal professions in Ontario, we receive and respond to written complaints about lawyers and paralegals licensed by the Law Society. The Law Society deals with a range of professional conduct matters. For example, we can deal with issues relating to a lawyer or paralegal's failure to reply to communications; failure to report on a transaction; delay; misleading, rude and discriminatory behaviour and failure to account for or improper handling of money.

We cannot help you with every kind of complaint. Here is some information about other resources where the Law Society is not able to help.

- If you need legal services, you need to see a lawyer or licensed paralegal.
- If you believe the fees charged by your lawyer were too high, contact the Assessment Office of the Ontario Superior Court of Justice.
- If you believe the fees charged by your paralegal were too high, you may wish to contact the Small Claims Court. Currently, the jurisdiction of the Small Claims Court is limited to claims of \$25,000 or less.
- If you believe you are the victim of a crime, contact the police.
- The Law Society cannot pay you money or make a lawyer or paralegal pay you money because of the lawyer or paralegal's mistake. If you believe a lawyer or paralegal has made a mistake, you will have to deal directly with the lawyer or paralegal or sue the lawyer or paralegal. You may wish to seek legal advice about your options.

For more information visit the For the Public section of the Law Society website at www.lsuc.on.ca.

The confidentiality of your complaint

The Law Society cannot guarantee the information that you or any other person has provided will remain confidential because:

- We must share some or all of the information with the lawyer or paralegal you are complaining about;
- We may give copies of documents received from you and any other person to the lawyer or paralegal; and
- We may share personal information (such as names, addresses and telephone numbers) with the lawyer or paralegal.

What the Law Society needs you to do

- **Complete** and sign the Complaint Form.
- Attach a **copy** of any documents that relate to your complaint.
- Send the completed Complaint Form with **copies** of relevant documents to:

The Law Society of Upper Canada
Osgoode Hall, 130 Queen Street West
Toronto, Ontario M5H 2N6
Attention: Complaints Services

What happens next?

We will promptly send you a letter advising you that we have received your complaint. Your complaint is assigned a file number, which will be set out in the letter. You should know that:

- Each complaint is carefully reviewed and assessed. For information about our processes, there are resources you can access on our website: www.lsuc.on.ca at the **For the Public** tab.
- If we cannot help with a complaint, we will let you know.
- We will keep you informed about the status of your complaint.

If you have any questions about how to file your complaint, please call the Client Service Centre at **416-947-3310** or **1-800-268-7568**. Please note we cannot discuss your personal situation until you have provided your Complaint Form to us.



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THE LAW SOCIETY OF UPPER CANADA

Complaint Form

Before completing the Complaint Form please make sure you read the attached "Complaint Form Information Sheet."

1. INFORMATION ABOUT YOU (THE COMPLAINANT)

MALE FEMALE

COMPANY

Complainant Name

First Name: Lloyd

Middle Name: Cristopher

Last Name: TAPP

Salutation: Mr. Ms. Mrs. Dr.

Other:

Company name (if complainant is a company)

Company Name:

Contact

First Name:

Contact

Last Name:

Position / Title:

Home Phone Number: (705) 878-4240

Work Phone Number:

May we contact you at work? Yes No

Address: 252 Angeline St. North

City: Lindsay

Province: ON

Unit / Apt. Number:

Postal Code: K9V-4R1

Are you a lawyer or paralegal? Yes No

Cell Phone or Contact Number:

Fax Number:

Email Address:

2. INFORMATION ABOUT THE LAWYER OR PARALEGAL YOU ARE COMPLAINING ABOUT

LAWYER PARALEGAL DON'T KNOW

MALE FEMALE

First Name: Marnie

Last Name: COBOLD

Phone Number: (416) 314-3509

Address: 655 Bay St.

Unit / Apt. Number: 501

City: Toronto

Province: ON

Postal Code: M7A-0A8

Check here if your complaint involves more than one lawyer or paralegal.

Attach a separate Complaint Form for each lawyer or paralegal that you are complaining about.

For Office use only:

File Number:

Licensee Number:

Licensee Name:

3. COMPLAINANT AND LAWYER OR PARALEGAL RELATIONSHIP

1. **What is your relationship to the lawyer or paralegal you are complaining about?**

For Example:

- Client Client of opposing lawyer or paralegal Opposing lawyer or paralegal
 Employed by lawyer or paralegal Family member Other (specify) /Opposing Represen.

2. **Did you hire this lawyer or paralegal?**

Yes

If there are document(s) that show you hired the lawyer or paralegal, please attach a copy.
(For example, retainer agreement, letter or cheque payable to the lawyer or paralegal in trust.)

When was the lawyer or paralegal hired? _____
DD / MM / YYYY

What was the lawyer or paralegal hired to do? _____

Is the matter completed? Yes No Is the lawyer or paralegal still working for you? Yes No

No Who did/does the lawyer or paralegal act for? Ministry of Community Safety and Correctional Services

How are you involved? Represent a friend with an application before the HRTO

Are you represented by a lawyer or paralegal? _____

Yes What is the name of the lawyer or paralegal who is representing you? _____

May we speak to this lawyer or paralegal about this complaint? Yes No

No

3. **What area of law/legal services does your complaint relate to?**

- Real Estate Civil Litigation Corporate / Commercial / Business
 Matrimonial / Family Criminal Administrative / Immigration
 Estates / Wills Other (specify) On. Human Rights Code/On. Public Service/
RULES OF PROFESSIONAL CONDUCT - LSUC

If you are complaining about an estate:

Are you the Estate Trustee or the Executor? Yes No

If no, who is the Estate Trustee or the Executor? _____

Are you a beneficiary? Yes No

4. **Does your complaint involve a matter before a Court or a tribunal?**

Yes

What is the name of the Court or tribunal? Human Rights Tribunal of Ontario
(For example, Ontario Court of Justice, Small Claims Court, Landlord and Tenant Board or the Financial Services Commission of Ontario.)

What city is the Court or tribunal located in? Toronto

What is the Court or tribunal file number? (If known) 2010-07633-1

What is the status? Ongoing Completed

No

4. YOUR COMPLAINT

1. Please tell us about your complaint.

Refer to Appendix 'A'

2. Please list the documents you are sending.

Note: Do **NOT** send originals

Refer to Appendix 'B'

4. YOUR COMPLAINT (CONTINUED)

3. What do you hope will happen as a result of your complaint?

- 1) As a lawyer contracted or employed by the Ministry of Ontario deceit should not be tolerated for it erodes public confidence in the credibility of the Law Society of Upper Canada and in the Ontario Public Service.
- 2) I wish to have a disciplinary hearing commenced against counsel, Marnie Corbold for deceitfully manipulating statements in her response to the application from the truth as contained in the volumes of information that she used to prepare the said response.
- 3) I wish to have a disciplinary hearing commenced against present counsel, Lynette D'Souza who has taken over from counsel, Marnie Corbold and is currently acting on the strength of the said response that is wrought with deceit.
- 4) I leave the penalty of the disciplinary hearing up to the ethics committee and or the Law Society of Upper Canada.
- 5) I wish that a monetary compensation be provided to a charity of choice of the LSUC as a consequential penalty for bringing the administration of the LSUC into disrepute.
- 6) I wish that future representation of the respondent (Ontario Provincial Police) by counsel for the Ministry will be honest/truthful in responses to future applications filed with the HRTO.

5. ACKNOWLEDGEMENT, CONSENT AND SIGNATURE

I have read and I understand the following:

I understand that the Law Society will share some or all of the information and documents that it receives from me and other parties with the lawyer or paralegal complained about.

I agree to the Law Society sharing and providing copies of information and documents that it receives from me with the lawyer or paralegal complained about.

I understand that the Law Society may not be able to process my complaint without supporting documents. I have attached copies of documents that relate to my complaint.

2012/02/23
Date signed


Signature of Complainant

Note: If you are filing this complaint for another person who was the lawyer or paralegal's client or who was the party directly affected by the lawyer or paralegal's conduct, we may need a signed authorization from this other person in order to proceed with the complaint. There is an [authorization form](#) available on our website. (You do not need a file number to complete the form.) If you hold a power of attorney for the other person, you can include a copy of the power of attorney with the Complaint Form.

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- If you believe you are the victim of a crime, contact the police.
- The Law Society cannot pay you money or make a lawyer or paralegal pay you money because of the lawyer or paralegal's mistake. If you believe a lawyer or paralegal has made a mistake, you will have to deal directly with the lawyer or paralegal or sue the lawyer or paralegal. You may wish to seek legal advice about your options.

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LET RIGHT PREVAIL

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MALE FEMALE

COMPANY

Complainant Name

First Name: Lloyd

Middle Name: Cristopher

Last Name: TAPP

Salutation: Mr. Ms. Mrs. Dr.

Other:

Company name (if complainant is a company)

Company Name: _____

Contact

First Name: _____

Contact

Last Name: _____

Position / Title: _____

Home Phone Number: (705) 878-4240

Work Phone Number: _____

May we contact you at work? Yes No

Address: 252 Angeline St. North

City: Lindsay

Province: ON

Unit / Apt. Number: _____

Postal Code: K9V-4R1

Are you a lawyer or paralegal? Yes No

Cell Phone or Contact Number: _____

Fax Number: _____

Email Address: _____

2. INFORMATION ABOUT THE LAWYER OR PARALEGAL YOU ARE COMPLAINING ABOUT

LAWYER PARALEGAL DON'T KNOW

MALE FEMALE

First Name: Lynette

Last Name: D'Souza

Phone Number: (416) 314-3509

Address: 655 Bay St.

Unit / Apt. Number: 501

City: Toronto

Province: ON

Postal Code: M7A-0A8

Check here if your complaint involves more than one lawyer or paralegal.
Attach a separate Complaint Form for each lawyer or paralegal that you are complaining about.

For Office use only:

File Number: _____

Licensee Number: _____

Licensee Name: _____

3. COMPLAINANT AND LAWYER OR PARALEGAL RELATIONSHIP

1. What is your relationship to the lawyer or paralegal you are complaining about?
For Example:

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 Employed by lawyer or paralegal Family member Other (specify) /Opposing Represen.

2. Did you hire this lawyer or paralegal?

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If there are document(s) that show you hired the lawyer or paralegal, please attach a copy.
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No Who did/does the lawyer or paralegal act for? Ministry of Community Safety and Correctional Services

How are you involved? Represent a friend with an application before the HRTO

Are you represented by a lawyer or paralegal?

Yes What is the name of the lawyer or paralegal who is representing you?

May we speak to this lawyer or paralegal about this complaint? Yes No

No

3. What area of law/legal services does your complaint relate to?

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Are you the Estate Trustee or the Executor? Yes No

If no, who is the Estate Trustee or the Executor?

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(For example, Ontario Court of Justice, Small Claims Court, Landlord and Tenant Board or the Financial Services Commission of Ontario.)

What city is the Court or tribunal located in? Toronto

What is the Court or tribunal file number? (If known) 2010-07633-I

What is the status? Ongoing Completed

No

4. YOUR COMPLAINT

1. Please tell us about your complaint.

Refer to Appendix 'A'

2. Please list the documents you are sending.

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2018/02/23

Date signed



Signature of Complainant

Note: If you are filing this complaint for another person who was the lawyer or paralegal's client or who was the party directly affected by the lawyer or paralegal's conduct, we may need a signed authorization from this other person in order to proceed with the complaint. There is an [authorization form](#) available on our website. (You do not need a file number to complete the form.) If you hold a power of attorney for the other person, you can include a copy of the power of attorney with the Complaint Form.

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Appendix 'A'

- 1) The Complainant in this complaint is representing a friend with an application before the Human Rights Tribunal of Ontario (HRTO) against the Ontario Provincial Police (OPP).
- 2) The application before the HRTO was filed on December the 13th, 2010, through then Counsel for the Applicant, Kimberley Wolfe (Exhibits: 1-a to 1-f).
- 3) Mrs. Kimberley Wolfe shared a copy of the application with the Respondent (OPP) via the Legal Services Branch of the Ministry of the Attorney General before removing herself from representation of the Applicant (Exhibit 2).
- 4) The Complainant is acting as a representative under authority of paragraph 2 of the Policy on Representation before the Human Rights Tribunal of Ontario (Exhibit 3).
- 5) Sometime after January 10th, 2011, the Respondent provided their Counsel, Marnie Corbold with seven volumes of information that was later shared with the Complainant.
- 6) On or about March the 11th, 2011, the application was shared with Counsel for the Respondent by the HRTO (Exhibit 4).
- 7) On March the 30th, 2011, Counsel for the Respondent, Marnie Corbold, requested for an extension of the 35 day deadline to provide a response to the Tribunal (Exhibit 5).
- 8) The extension was granted by the Tribunal and Counsel for the Respondent was given an extension of time to provide a response to the application until May 2, 2011 (Exhibit 6).
- 9) The Applicant subsequently received a copy of the response from Counsel for the Respondent via the Tribunal on or about the 4th day of May, 2011 (Exhibit 7).
- 10) Deadline for each side to make respective disclosure to each other was done by the stipulated date of January the 16th, 2012 (Exhibit 8).

- 11) Upon analysing the disclosure provided it became very apparent to the Complainant that Counsel for the Respondent, Marnie Corbold, was deceitful in her response provided to the Tribunal and shared with the Complainant. The following actions of Counsel support this belief:
- a) Whereas the seven volumes of information (disclosure), that was disclosed revealed inculpatory statements in numerous e-mails between many of the personal respondents (Exhibit 9) with respect to the allegations in schedule 'A' (Exhibit 1-d) of the application before the HRTO.
 - b) Whereas the inculpatory statements in the numerous e-mails do stand the test of credibility and reliability since they are communications between the personal respondents.
 - c) Whereas Counsel would not have been able to draft the submitted response in the absence of the seven volumes of information.
 - d) Whereas Counsel requested an extension of time specifically in order that she could study the seven volumes of information that was in her possession since sometime after January the 10th, 2011 and prepare a response (Exhibit 5).
 - e) Whereas Counsel was fully aware of those inculpatory statements in studying the seven volumes of information yet, deliberately manipulated the truth in preparing a response filled with denials of the allegations in the application (Exhibit 10).
 - f) Whereas Counsel deliberately put forth a position of innocence in submitting a response contrary to those inculpatory statements contained in the numerous e-mails.
 - g) Whereas Counsel was fully aware of her duty under the Law Society of Upper Canada with respect to being truthful and maintaining integrity (Exhibit 12).

h) Whereas Counsel was reminded of her duty to be truthful in her Declaration in section 21 (Declaration and Signature) of the response form, which is printed in bold print to capture the author's attention and signify its importance (Exhibit 7, page 12):

Instructions: Do not sign your Response until you are sure that you understand what you are declaring here.

- i) Whereas Counsel compounded her deceit by making certain statements in the section 21 (Declaration and Signature), namely: *'To the best of my knowledge, the information in my Response is complete and accurate'* (Exhibit 7, page 12).
- j) Whereby Counsel affixed her signature in section 21 (Declaration and Signature) of the response form thereby certifying her statements and everything contained in her response to be true.
- k) Whereas Counsel, in submitting such a response did raise the inference that the application was false and made in bad faith because of the Applicant's termination of employment.
- l) Whereas Counsel, in denying the allegations of discrimination in her response was deceitful to the Tribunal and to the Law Society of Upper Canada.
- m) Whereas every other counsel acting in place of Counsel, Marnie Corbold and/or taking over from her has to familiarize themselves with the application and the seven volumes of information along with the response.
- n) Whereas every other counsel acting in place of Counsel, Marnie Corbold and/or taking over from her, in not acknowledging the inculpatory statements contained in the numerous e-mails makes themselves party to the author's deceitful conduct.
- o) Whereas Counsel, Lynette D'Souza in taking over representation of the Respondent from Counsel, Marnie Corbold on or about the 22 day of December, 2011, (Exhibit

11) is deemed to be familiar with the application, the seven volumes of information and the response.

p) Whereas the overall conduct of all counsel associated with the response that was prepared in the manner stated contravened the Rules of Professional Conduct (Exhibit 12) thereby undermining the integrity of the Law Society of Upper Canada and bringing its administration into disrepute.

q) Whereas the overall conduct of all counsel associated with the response that was prepared in the said manner also questions the credibility of the Ontario Public Service's compliance to their Guide to Public Service Ethics and Conduct and thereby, brings the administration of the Ontario Provincial Government into disrepute (Exhibit 13).

12) It is the Complainant's hope that an adjudication process, whether that be informal or in the form of a formal hearing will examine the complaint and address the identified concerns in the hopes of eliminating such conduct in future representations of the Respondent.

Appendix 'B'

LIST OF EXHIBITS

Exhibit 1-a	Re: Application of Michael Jack to the HRTO filed by the Applicant's former Counsel, Kimberley Wolfe.
Exhibit 1-b	Application Form 1
Exhibit 1-c	Application Form 1-A
Exhibit 1-d	Schedule A
Exhibit 1-e	Schedule B
Exhibit 1-f	Statutory Declaration of Michael Jack
Exhibit 2	Letter from former Counsel for the Applicant, Kimberley Wolfe, removing their firm from the record and a copy of the confirmation that the application had been shared with the Respondent.
Exhibit 3	Policy on Representation before the HRTO.
Exhibit 4	Copy of the confirmation that the Application was shared with the Respondent.
Exhibit 5	Request from Counsel for the Respondent, Marnie Corbold for an extension of time to respond to the Application.
Exhibit 6	HRTO authorization granting an extension of time for Counsel to respond to the Application.
Exhibit 7	Counsel's response to the Application.
Exhibit 8	Request to move the deadline for disclosure for Counsel for the Respondent and the Applicant to January 16th, 2012.
Exhibit 9	Copies of Inculpatory Statements in e-mails between respondents with respect to Exhibit 1-d.
Exhibit 10	Copies of inculpatory statements in e-mails between the respondents with excerpts of denials from Counsel's response to the Application.
Exhibit 11	Copy of notification from Counsel, Lynette D'Souza, advising that she has taken over representation of the Respondent.
Exhibit 12	The Law Society of Upper Canada, Rules of Professional Conduct.
Exhibit 13	Ontario Public Service, Guide to Public Service Ethics and Conduct.



The Law Society of
Upper Canada

Barreau
du Haut-Canada

March 8, 2012

Private & Confidential

Lloyd Cristopher Tapp
252 Angeline Street North
Lindsay, Ontario K9V 4R1

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

Professional Regulation
Division
Intake Department

Dear Mr. Tapp:

Re: Subject: Marnie Susan Corbold
Complainant: Lloyd Cristopher Tapp
Case No.: 2012-105468

I have reviewed your correspondence, which was received by the Intake Department on March 7, 2012. Based on my review of the documents provided, I have concluded that, although regulatory issues may have been raised, given all of the circumstances in this matter, a request to investigate the conduct of Ms Corbold, pursuant to section 49.3 of the *Law Society Act* is not warranted at this time. Consequently, I have closed the file.

Summary of Complaint

As I understand your complaint, you are acting as a friend for Michael Jack in his application to the Human Rights Tribunal of Ontario (the "HRTO"). The respondent in that application is Her Majesty the Queen in Right of Ontario as represented by the Ministry of Community Safety and Correctional Services and operating as the Ontario Provincial Police (the "OPP"). Mr. Jack is a former employee of the OPP and has alleged in his application that he was the victim of discrimination and harassment during his employment.

Ms Corbold and Lynette D'Souza are both lawyers who are employed by the respondent provincial government ministry and have been acting for it, as the respondent in Mr. Jack's application.

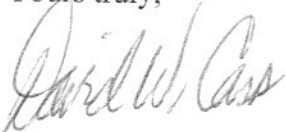
You have alleged that Ms Corbold "was deceitful in her response provided to the Tribunal and shared with the Complainant [to the HRTO, Mr. Jack]". You have further alleged that "the overall conduct of all counsel associated with the response that was prepared in the manner stated contravened the Rules of Professional Conduct (Exhibit 12) thereby undermining the integrity of the Law Society of Upper Canada and bringing its administration into disrepute" and "the overall conduct of all counsel associated with the response that was prepared in such a manner also questions the credibility of the Ontario Public Service Ethics and Conduct and

thereby, brings the administration of the Ontario Provincial Government into disrepute (Exhibit 13)".

Reasons for Closing

It is clear that your complaint arises directly from, and is closely connected to, a concurrent proceeding before the HRTO. Where the issues in a complaint are the same as or are related to ongoing external litigation, the Law Society considers whether it is in the public interest to investigate immediately, or to await the conclusion of the legal dispute. In this case, I am not able to identify a compelling public interest in proceeding to investigate immediately, and a conclusion to the legal dispute would likely help any investigation the Law Society may conduct. In addition, it is important that there are not parallel and simultaneous fact-finding exercises being conducted. If, after the legal issues are resolved, you continue to be of the view that you wish to make a complaint about the conduct of Ms Corbold, you may bring the complaint back to the Law Society for further consideration.

Yours truly,



David W. Cass

Intake Counsel

Telephone: (416) 947-3300, ext. 2440

Facsimile: (416) 947-3382

Email: dcass@lsuc.on.ca

cc: Marnie Susan Corbold



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March 8, 2012

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Lloyd Cristopher Tapp
252 Angeline Street North
Lindsay, Ontario K9V 4R1

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

Professional Regulation
Division
Intake Department

Dear Mr. Tapp:

Re: Subject: Lynette Elaine D'Souza
Complainant: Lloyd Cristopher Tapp
Case No.: 2012-105469

I have reviewed your correspondence, which was received by the Intake Department on March 7, 2012. Based on my review of the documents provided, I have concluded that, although regulatory issues may have been raised, given all of the circumstances in this matter, a request to investigate the conduct of Ms D'Souza, pursuant to section 49.3 of the *Law Society Act* is not warranted at this time. Consequently, I have closed the file.

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Ms D'Souza and Marnie Corbold are both lawyers who are employed by the respondent provincial government ministry and have been acting for it, as the respondent in Mr. Jack's application.

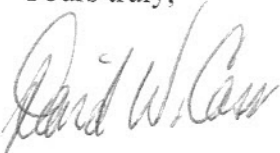
You have alleged that Ms D'Souza "in taking over representation of the Respondent from Counsel, Marnie Corbold on or about the 22 day of December, 2011, (Exhibit 11) is deemed familiar with the application, the seven volumes of information and the response". You have further alleged that "the overall conduct of all counsel associated with the response that was prepared in the manner stated contravened the Rules of Professional Conduct (Exhibit 12) thereby undermining the integrity of the Law Society of Upper Canada and bringing its administration into disrepute" and "the overall conduct of all counsel associated with the response that was prepared in such a manner also questions the credibility of the Ontario Public

Service Ethics and Conduct and thereby, brings the administration of the Ontario Provincial Government into disrepute (Exhibit 13)".

Reasons for Closing

It is clear that your complaint arises directly from, and is closely connected to, a concurrent proceeding before the HRTO. Where the issues in a complaint are the same as or are related to ongoing external litigation, the Law Society considers whether it is in the public interest to investigate immediately, or to await the conclusion of the legal dispute. In this case, I am not able to identify a compelling public interest in proceeding to investigate immediately, and a conclusion to the legal dispute would likely help any investigation the Law Society may conduct. In addition, it is important that there are not parallel and simultaneous fact-finding exercises being conducted. If, after the legal issues are resolved, you continue to be of the view that you wish to make a complaint about the conduct of Ms D'Souza, you may bring the complaint back to the Law Society for further consideration.

Yours truly,



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