



Case in Brief: ***Law Society of Saskatchewan v. Abrametz***

Judgment of July 8, 2022 | On appeal from Court of Appeal for Saskatchewan
Neutral citation: 2022 SCC 29

The Supreme Court finds no abuse of process during lengthy disciplinary proceedings against a Saskatchewan lawyer.

Mr. Peter V. Abrametz is a member of the Law Society of Saskatchewan and has practiced law in Prince Albert for 49 years. In 2012, the law society audited Mr. Abrametz's financial records, found irregularities and began disciplinary proceedings against him. Those irregularities included making high-interest loans to vulnerable clients and issuing cheques to a fictitious person before endorsing and cashing them.

In 2013, the law society notified Mr. Abrametz that he would be suspended temporarily. However, Mr. Abrametz was allowed to continue practicing, subject to certain conditions. They included that Mr. Abrametz had to retain a lawyer to supervise his practice and its financial accounts, including withdrawals. He was also barred from accepting, endorsing and cashing cheques. The law society served Mr. Abrametz a second notice in 2014, but again he was allowed to continue to practice under similar conditions.

A year later, the Law Society issued a formal complaint against Mr. Abrametz and appointed a Hearing Committee. It wasn't until 2018 that the law society found him guilty of four charges of conduct unbecoming a lawyer. It disbarred him with no chance at applying to rejoin the law society for almost two years.

During the disciplinary proceedings, Mr. Abrametz argued that the law society took too long to investigate and decide his case. He said it amounted to an abuse of process.

The law society's Hearing Committee dismissed that argument but the Court of Appeal for Saskatchewan agreed with Mr. Abrametz. The law society then appealed to the Supreme Court of Canada.

The Supreme Court has agreed with the Law Society.

There was no abuse of process.

Writing for the majority of Supreme Court judges, Justice Malcolm Rowe said there is no basis to set aside the Hearing Committee's finding that there was no abuse of process. "The Court of Appeal departed from its proper role when it substituted its own findings of fact."

The test to determine whether delays amount to an abuse of process was set out in an earlier Supreme Court case. It has three steps. First, the delay must be unreasonable. This is determined by the context, including the nature and purpose of the proceedings, the length and causes of the delay and the complexity of the facts and issues in the case. Second, the delay must have caused the person harm. Examples include psychological or reputational harm, disruption to family life and loss of work. When these two requirements are met, courts must conduct a final test to determine if there was an abuse of process. This test is met when the delay is manifestly unfair to a party or in some other way brings the administration of justice into disrepute.

In this case, Mr. Abrametz has not shown that the Hearing Committee was wrong in concluding that the delay was long but that it was not inordinate and that there was no significant prejudice to Mr. Abrametz. Therefore, the test was not met and the Court of Appeal should not have set aside the Hearing Committee's conclusions.

Breakdown of the decision: *Majority:* Justice [Rowe](#) allowed the appeal, set aside the judgment of the Court of Appeal and sent the matter back to that court to address the outstanding grounds of appeal (Chief Justice [Wagner](#) and Justices [Moldaver](#), [Karakatsanis](#), [Brown](#), [Martin](#), [Kasirer](#) and [Jamal](#) agreed) | *Dissenting:* Justice [Côté](#) would have dismissed the appeal.

More information (case # 39340): [Decision](#) | [Case information](#) | [Webcast of hearing](#)

Lower court rulings: [decision](#) (Hearing Committee for the Law Society of Saskatchewan) | [appeal](#) (Court of Appeal for Saskatchewan)

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