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S.C.C. File No :

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL OF NEW BRUNSWICK)

BETWEEN:

LAW SOCIETY OF NEW BRUNSWICK

Applicant
(Respondent)

- and -

MICHAEL A.A. RYAN

Respondent
(Appellant)

APPLICATION FOR LEAVE TO APPEAL
pursuant to section 43 of the *Supreme Court Act* and Rule 23
of the Rules of the Supreme Court of Canada

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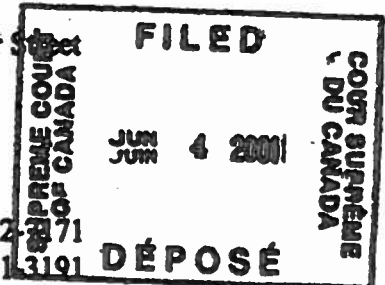
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Memorandum of Argument
Part I - Statement of facts

MEMORANDUM OF ARGUMENT

PART I

STATEMENT OF FACTS

A) Nature of the Appeal

1. This case is about a lawyer, who, after taking a monetary retainer, lied about four (4) examinations for discovery, lied about motions in court, lied about a court hearing, lied about an appeal hearing, lied about the appeal decision (which he then forged), lied about the result and consequence of the alleged Court of Appeal decision, lied about a further court motion, lied about a further court decision, lied about a further court of appeal hearing and decision (non-existent did but not forge), lied about an appeal to this Honourable Court, lied about judgment being filed with the sheriff's department so the non-existent judgment could be enforced - and then, when all the lies were discovered, now says he is sorry, he'd been drinking too much and says he should not be disbarred.

Ref.: *Fictitious Court of Appeal Decision* [Tab 2D]

2. When this lawyer was brought before the regulatory body of his profession, and after all evidence from both sides was heard, including the fact that the lawyer had twice before been reprimanded following disciplinary proceedings, it was the considered decision of the Discipline Committee of the Law Society that the lawyer be disbarred. On a direct appeal to the Court of Appeal herein, the Court of Appeal said that he should not be disbarred, but only suspended with conditions. This test case is therefore about whether self-regulating professions are indeed self-regulating, and self-regulating in the public interest, to protect that public interest, that being what lawyers ultimately serve.

3. The Applicant maintains that in setting aside the disbarment, the Court of Appeal of New Brunswick applied an improper standard of review for decisions of these types, erroneously stating that the standard of review was "closer to correctness than patently unreasonable". This error was