LAW SOCIETY of ALBERTA

The Rules of the Law Society of Alberta

November 5, 2026

Amendment Table – 2026_V5

Rules Modified	Description of Change	Amendment Authorized	Amendment Effective	Amendment Source
138(3)(d), 138(3)(f)	Amendments to expand the classes of expenditures that can be charged to the Assurance Fund.	November 5, 2026	November 5, 2026	Bencher Meeting

Changes listed in this table are ones made to Version "2026_V4" of the Rules. Where an amendment to the substance of a rule or subrule has been made since June 3, 2001, the amendment month and year are marked at the end of the Rule. Amendments made prior to June 3, 2001 are not marked in this document.

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PART 1
ORGANIZATION AND ADMINISTRATION OF THE SOCIETY

Interpretation

1 (1) In these rules,

(a) "Act" means the *Legal Profession Act*, R.S.A. 2000, c. L-8 as amended, and includes the *Legal Profession Act*, S.A. 1990, c.L-9.1 (as amended, in relevant circumstances);

(b) “ALIA” means the Society’s subsidiary corporation, the Alberta Lawyers’ Indemnity Association;

(b.1) “ALIA Board” means the Board of Directors of ALIA;

(c) “Associate” means:

(i) a member, or

(ii) the voting shareholder of a professional corporation

employed by a law firm in the capacity of a barrister and solicitor, or engaged pursuant to a contract with a law firm other than a contract of employment, to provide legal services on the law firm's behalf on a full-time or part-time basis.

(d) "Assurance Fund levy" means an assessment levied on active members pursuant to Part 6;

(e) "Auditor" means the accountant or firm of accountants appointed by the Benchers as the auditor of the Society;

(f) "Auditor's representative" means the accountant who is the auditor of the Society, or, if the Society's auditor is a firm of accountants, an accountant who is a member or employee of that firm;

(g) "Committee" means a committee established by the Act or these Rules or pursuant to section 6(c) of the Act or a subcommittee of a committee so established, but does not include a Hearing Committee;

(g.1) “custodianship information” means:

(i) the name and business contact information of the member who has been appointed custodian of the practice of another member or former member who has ceased to engage in the practice of law, and

(ii) the location of the files and other property of the practice of a member or former member who has ceased to engage in the practice of law, where a custodian has been appointed;

(g.2) "disciplinary information" means:

(i) current citations against the member,

(ii) decisions and orders for:

(A) conduct and appeal proceedings under Part 3 of the Act and the Rules,

(B) section 32 resignation applications in the face of discipline, and

(C) section 61 resignation applications, and

(iii) notices issued under section 85 of the Act;

(h) "Extraprovincial law society" means;

(i) in relation to Canada, a law society or comparable governing body of the legal profession or a class of the legal profession of a province or territory of Canada other than Alberta, or

(ii) in relation to a country outside Canada or a political subdivision of a country outside Canada, the body or official governing or regulating the legal profession or a class of the legal profession within that country or political subdivision;

(h.1) “group policy” means the Alberta Lawyers Professional Liability and Misappropriation Indemnity Group Policy;

(h.2) “hearing” means an adjudicated proceeding, conducted before a Hearing Committee, a panel of any committee, the Benchers or a panel or committee of Benchers;

(i) "Inactive member (retired)" means an inactive member, who has been an active member of the Society, or a Judge described in section 33 of the Act or an Applications Judge, for a period or periods totalling at least 25 years, who has elected to become an inactive member (retired) pursuant to Rule 68 (3), and who has not revoked that election.

(i.1) "indemnity program fund" means

(i) the funds of the Alberta Lawyers Indemnity Association and shall include the funds of the Society referred to in section 100 of the Act, which are transferred from the Society to the Alberta Lawyers Indemnity Association pursuant to section 101(l) of the Act, and

(ii) the funds previously held for the benefit of the Alberta Lawyers Insurance Exchange.

(j) "In good standing" means;

(i) in relation to a member of the Society, that the membership of the member is neither under suspension nor liable to be suspended by reason of a then current default of payment to the Society of a prescribed annual fee, Assurance Fund levy or misappropriation indemnity assessment or professional liability indemnity assessment or default of compliance with rules 119.34, 119.35, or 119.38, or

(ii) in relation to a member of an extraprovincial law society, that the member's right to practise law in the jurisdiction of that society is not under suspension and that the member is not in default of payment to that society of any amount or of the filing with that society of a document if the continuation of that default could result in suspension of that member's right to practise law in that jurisdiction;

(k) “LLP” means a limited liability partnership under Part 3 of the *Partnership Act* (Alberta) that carries on the practice of law in Alberta, whether as an Alberta LLP or an extra-provincial LLP;

(k.1) “membership period” means the annual membership year beginning March 15 of each year and ending March 14 of the following year;

(k.2) “misappropriation indemnity assessment” means an assessment levied pursuant to Division 1.1 of Part 7;

(l) "Notify" means to notify by any means of oral or written communication, including service of a written notice;

(l.1) “Part B of the group policy” means Part B - Misappropriation Indemnity of the group policy;

(m) "Prescribed", with reference to a fee or assessment or other amount payable to the Society, means prescribed by the Benchers pursuant to these Rules;

(n) "professional liability indemnity assessment" means an assessment levied pursuant to Division 1 of Part 7;

(o) "Old Act" means the *Legal Profession Act*, R.S.A. 1980, c.L-9, as amended;

(p) "Sole practitioner" means a member who is, in the capacity of a natural person, the sole owner of a law practice carried on by the member;

(q) "Suspended member" means a member whose membership is under suspension;

(q.1) “theft” means the misappropriation or wrongful conversion, by a member, of money or other property entrusted to or received by a member in the member’s capacity as a barrister and solicitor, and in the course of the member’s practice as a barrister and solicitor;

(q.2) “virtual hearing” means a hearing that is conducted by videoconference;

(r) A reference to a numbered Form means the relevant Form in the Schedule to these Rules;

(s) Expressions defined in the Act take the meaning assigned to them in the Act.

(2) Where a provision of these Rules requires or authorizes the payment of an amount to the Society or the furnishing of a document to the Society or an officer of the Society then, for the purposes of these Rules, the amount shall be considered paid and the document shall be considered filed or furnished, as the case may be, when it is received at the Society's offices in Calgary.

(3) If a power or duty of the Executive Director under any provision of these Rules is delegated by the Benchers to an officer or employee of the Society, a reference to the Executive Director in that provision shall be construed as including that officer or employee.

Nov2010;Jun2014;Jun2019;Jul2019;Dec2019;Jun2020;Dec2020;Jun2021;Oct2021;Jan2022;Jun2022;Sep2022;Oct2025

Law Firms

2 **(1)** For the purposes of these Rules and section 126 of the Act, "law firm" or "firm" means

(a) a sole practitioner,

(b) a professional corporation that is not part of a partnership, or

(c) a partnership consisting wholly or partly of active members or professional corporations or a combination of both

that owns and carries on a law practice in Alberta, and includes an LLP.

(1.1) In addition to subrule (1), for the purposes of the Rules and section 126 of the Act, "law firm" or "firm" means an approved legal services provider.

(1.2) An approved legal services provider is authorized to operate if it

(a) meets the eligibility criteria established by the Benchers; and

(b) meets and maintains the application requirements established by the Executive Director.

(2) For the purposes of these Rules, a member is an owner of a law firm if

(a) the firm consists of a sole practitioner and the member is the sole practitioner

(b) the law firm is a professional corporation that is not part of a partnership and the member is the sole voting shareholder of the professional corporation or one of the voting shareholders of the professional corporation, or

(c) the law firm is a partnership and the member is one of the partners or is a voting shareholder of a professional corporation that is one of the partners.

(3) For the purposes of these Rules, a member "practises with" a law firm if the member is

(a) the owner or one of the owners

(b) an associate, or

(c) an employee

of the law firm.

(4) Where a provision of these Rules imposes a duty on a law firm,

(a) the owner of the law firm is responsible for performing the duty, if the firm has only one owner, and

(b) the owners of the law firm are jointly and severally responsible for performing the duty, if the firm has 2 or more owners.

(4) Where a provision of these Rules imposes a duty on a law firm, the designated representative of the law firm, as established in Rule 2.1, is responsible for performing the duty.

Coming into force TBD

(5) Any change to a law firm's name or ownership must be provided to the Executive Director in accordance with subrule 42(1).

Jul2019;Oct2021

Designated Representative

2.1 (1) **Every law firm shall appoint, as its designated representative, an active member of the Society who:**

(a) practices with the law firm;

(b) is able to fulfill the obligations under this Rule; and

(c) may be, but is not required to be, an owner of the law firm.

(2) A law firm shall appoint a designated representative for each location of the law firm.

(3) A designated representative may not be a designated representative for more than one law firm but may, with authorization from the Society, be a designated representative for more than one location of a law firm.

(4) A designated representative must

(a) respond promptly and completely to any communication from the Society;

(b) ensure compliance by the law firm with Rule 2.2 ;

(c) use reasonable efforts to provide complete and accurate information in any form or report required; and

(d) not knowingly or recklessly provide false or inaccurate information in any form or report required.

(5) A designated representative is not personally responsible for the failure of a law firm to meet its obligations, and

(6) A law firm that changes its designated representative must inform the Executive Director of the change within 7 days.

Coming into force TBD

Registration

2.2 (1) Every law firm shall file a registration with the Society, in a form acceptable to the Executive Director:

(a) within 30 days of the date this Rule comes into force, if an existing firm; or

(b) within 30 days of commencing practice, if a new firm.

(2) A law firm must inform the Executive Director within 7 days of a change of any information included in the registration.

Coming into force TBD

Collection, Use and Disclosure of Information

2.3 (1) For the purposes of this Rule,

(a) "addressing the unethical, incompetent or unauthorized practice of law" includes, but is not limited to, prevention, investigation, prosecution and compensation.

(b) "information" includes "personal information" as defined in the *Personal Information Protection Act* of Alberta.

(c) "person" includes an individual, corporation, partnership, association, law firm, society, governing body, or other organization.

(d) "Society" includes the Alberta Lawyers Indemnity Association.

(2) Any person with information that is relevant to any of the matters identified in subrule (3) may, and is encouraged to, provide that information to the Society without the consent of the individual.

(3) Subject to Rule 31.1, the Society may use information without the consent of the individual

(a) to assist in addressing the unethical, incompetent or unauthorized practice of law,

(b) to assist in ensuring compliance with the Act, these Rules and the Code of Conduct,

(c) to serve the interests of justice within regulatory proceedings, or

(d) to assist in otherwise furthering the public interest in relation to matters involving the legal profession.

(4) The Society may disclose information without the consent of the individual where the interests of justice within regulatory proceedings, taking into consideration the protection of privacy, weigh in favour of the disclosure of the information.

(5) The Society may, without the consent of the individual, use contact information to communicate with that individual for any of the purposes identified in subrule (3).

(6) The authority provided for in subrules (2), (3), (4) and (5) is in addition to the authority that the Society has under the Act, these Rules, and the *Personal Information Protection Act*.

Feb2004;Dec2011;Jul2019;May2026

Tribunal Office

2.4 (1) The Tribunal Office is established.

(2) The Tribunal Office shall support the Society's independent adjudicative processes with respect to all Society hearings.

(3) The Tribunal Office shall:

(a) manage the hearing process, including,

(i) providing administrative support, and

(ii) scheduling pre-hearing conferences, hearings and complaint dismissal appeals;

(b) support the operations of the Society's independent tribunals and adjudicators; and

(c) issue and publish hearing decisions and outcomes on behalf of the Executive Director.

(4) The Tribunal Office employees are employees of the Society.

Apr2021

Hearing Processes

2.5 (1) An oral hearing under the Act and these Rules shall proceed as a virtual hearing.

(2) Notwithstanding subrule (1), a hearing shall proceed by means other than a virtual hearing when:

(a) the Rules specify that a hearing will proceed based on written submissions only;

(b) the President exercises their authority under the Act or the Rules and determines that a hearing will proceed by means other than a virtual hearing;

(c) the parties agree that a hearing may proceed by means other than a virtual hearing; or

(d) a pre-hearing conference chair in accordance with Rule 90.2, or a panel or Hearing Committee, grants an application to allow part or all of a hearing to proceed by means other than a virtual hearing.

(3) If clauses (2)(b), (c) or (d) apply, then a hearing may proceed, in whole or in part, as:

(a) an oral hearing that is:

(i) in-person, or

(ii) by teleconference; or

(b) a hearing based on written submissions.

(4) When a public hearing is required under section 78 of the Act, the requirement to conduct a public hearing may be satisfied by making the public parts of the hearing record, as defined in the Act, available for inspection upon request.

Jun2020;Apr2021;Jun2021;Jun2022

Amendment, Waiver or Variation of Rules

3 (1) The Benchers may amend or replace the Rules, or suspend the operation of any provision of the Rules indefinitely or for a stated period,

(a) at a meeting, by the votes of at least 2/3 of the Benchers present at the meeting, or

(b) by a vote conducted under section 20(5) of the Act.

(2) The Benchers may waive or vary any provision of the Rules in its application to a particular person or situation if the resolution favouring the waiver or variation is approved

(a) at a meeting by the votes of at least 2/3 of the Benchers present at the meeting, or

(b) by a vote conducted under section 20(5) of the Act.

Service of Documents

4 **(1)** Where a notice or other document is to be served, given or furnished pursuant to a provision of these Rules by a delivery under section 114(b) of the Act, the notice or other document may be delivered by a Bencher or an officer or employee of the Society, or any person engaged for the purposes by, or acting at the request of, a committee, a Bencher or an officer or employee of the Society, by

(a) registered mail,

(b) courier, or

(c) mail, other than registered or certified.

(2) In addition to the delivery methods in (1), delivery may be by

(a) fax, or

(b) email

to a member or student-at-law, and to any other person where that person explicitly or implicitly authorizes the Law Society to use that form of communication and has provided the required contact information for that purpose until that person advises the Law Society that the contact information is no longer valid or authorization is withdrawn.

(3) Unless the contrary is proved, any information sent by mail to the address specified in section 114(b) of the Act shall be presumed to be delivered

(a) 7 days from the date of mailing if the document is sent to an address in Alberta; and

(b) 14 days from the date of mailing if the document is sent to an address in Canada, outside Alberta.

(4) Unless the contrary is proved, any information sent in electronic form shall be presumed to be sent and received in accordance with the provisions of the *Electronic Transactions Act*, S.A. 2001, c.E-5.5.

Nov2002;Dec2014;Nov2015

Seal of the Society

5 **(1)** The Society shall have a common seal of the following design:

A circular field, the lower half a prairie and the upper filled with a setting sun, its rays extending to the margin of the circle; in the foreground, and in the front of the setting sun, the standing figure of Justice holding the scales in the right hand and a sword in the left; inscribed on a scroll below the feet of the figure, the motto "Virtus Justitiae Ancilla", around the upper portion of an exterior circle the words, "The Law Society of Alberta", and in the lower portion the words and figures, "Incorporated 1907".

(2) If an agreement or other document is required to be executed on behalf of the Society under seal then, unless the Benchers otherwise provide, the affixing of the Society's seal on the agreement or other document shall be attested by a member of the Executive Committee and the Executive Director.

General Functions of the Executive Director

6 The Executive Director is

(a) the chief executive officer of the Society,

(b) the custodian of the seal of the Society, and

(c) subject to the Deposit Agreement referred to in Rule 44, the custodian of the records of the Society.

DIVISION 1
THE BENCHERS

ELECTION OF BENCHERS

Election

7 In an election year, an election of Benchers shall:

(a) commence on the second Tuesday of November ("first day of election"); and

(b) close on the third Tuesday of November ("final day of election").

Apr2022

Notice of Election

8 (1) By the fourth Tuesday in February of an election year, the Executive Director will send a notice of election to each active member.

(2) The notice of election will state that an election is being held in accordance with subsection 12(1) of the Act and during the election period established in Rule 7.

Apr2022

Notice of Key Election Dates

8.1 By the first Tuesday of June in an election year, the Executive Director will send to each active member a notice of the following key election dates:

(a) the election period;

(b) the nomination period pursuant to Rule 10.1;

(c) the date of determining voting eligibility pursuant to Rule 11;

(d) the date election information will be made available pursuant to Rule 12; and

(e) the date the votes are counted and the election results announced.

Apr2022

Districts

9 (1) For the purpose of an election of Benchers, the province of Alberta shall be divided into five districts as follows:

(a) the Northern District, being that part of Alberta lying north of the 53rd parallel of latitude but excluding the City of Edmonton;

(b) the Central District, being that part of Alberta lying between the 51st and 53rd parallels of latitude but excluding the City of Calgary and the City of Edmonton;

(c) the Southern District, being that part of Alberta lying south of the 51st parallel of latitude but excluding the City of Calgary;

(d) the City of Calgary; and

(e) the City of Edmonton.

(2) To ensure Benchers are elected from outside the City of Calgary and the City of Edmonton, a minimum of one Bencher will be elected from each of the Northern, Central and Southern Districts when at least one candidate has been nominated in the district.

(3) Bencher positions not covered in subrules (1) or (2) can be from any district and will be filled in accordance with Rule 15.1(c).

Apr2022;Feb2026

Eligibility of Active Members for Nomination and Election

10 (1) An active member is ineligible for nomination as a candidate for election as a Bencher if they are ineligible pursuant to section 13 of the Act.

(2) An active member is ineligible for nomination as a candidate for election as a Bencher if that member has been elected as a Bencher in three previous elections.

(3) An active member is eligible for nomination as a candidate for election as a Bencher from the Northern, Central or Southern District, if:

(a) the member resides in that district; and

(b) the member's principal office of practice is located in that district.

Apr2022

Nomination of an Active Member as a Candidate

10.1 (1) The period to nominate an active member as a candidate for an election ("nomination period") shall:

(a) open 42 calendar days, and

(b) close 28 calendar days

before the first day of election.

(2) An active member who seeks declaration as a candidate for election as a Bencher must:

(a) nominate themselves as a candidate;

(b) name two active members who endorse their nomination; and

(c) have the two members confirm their endorsement by 4:30 p.m. Mountain Time on the 28th calendar day before the first day of election.

(3) An active member who complies with the requirements in subrule (2) must submit, during the nomination period, any information the Executive Director requires of the member, in a form acceptable to the Executive Director, which may contain:

(a) a statement of interest from the member, which shall not contain any statement that:

(i) constitutes a campaign promise or similar comment; or

(ii) is libellous, in breach of the Code of Conduct or in bad taste

(b) biographical information about the member; and

(c) a picture of the member that is proper and does not bring the profession into disrepute.

(4) The Executive Director has the sole discretion to determine whether:

(a) a statement submitted under clause 3(a) is in compliance with that clause, and should be permitted; or

(b) a picture submitted under clause 3(c) is in compliance with that clause, and should be permitted.

(5) The Executive Director shall declare an active member whose nomination complies with subrules (2) and (3) to be a candidate for election as a Bencher.

(6) If only one candidate is nominated in the Northern, Central or Southern District, the Executive Director:

(a) will declare the candidate elected as a Bencher from that district; and

(b) will not include the candidate's name on the election ballot.

Apr2022

Eligibility to Vote

11 (1) Members are eligible to vote in an election if, according to the records of the Society, they are active members 21 calendar days before the first day of election.

(2) Members eligible to vote will appear on a voter list and will be provided with election information in accordance with Rule 12.

Apr2022

Election Information

12 (1) Twenty-one calendar days before the first day of election, the Executive Director will provide members eligible to vote with access to the following:

(a) a notice that the current President-Elect is declared elected as a Bencher;

(b) notice of any declaration of election as a Bencher made pursuant to subrule 10.1(6);

(c) voting information; and

(d) such other material as the Executive Director deems necessary.

(2) The Executive Director has the sole discretion to correct errors in the election information referred to in subrule (1).

Apr2022

Voting Procedure

12.1 (1) The process for election will proceed by plurality vote and will

(a) be conducted in an electronic format;

(b) provide each eligible member with a single ballot containing an option to vote no more than once per each candidate listed, to a maximum total of 19 candidates voted for, as determined by Rule 10.1(6); and

(c) will not permit the ability to write-in a vote.

Feb2026

Casting of Election Ballot

13 (1) Members eligible to vote must cast their election ballot according to the procedure set out in Rule 12.1 and in the voting information.

(1.1) The number of vacant Bencher positions will be determined by the number of Benchers who are declared in accordance with Rule 10.1(6).

(2) A member eligible to vote may cast their election ballot between the first day of election until 4:30 p.m. Mountain Time on the final day of election, in accordance with Rule 7.

(3) A member shall not:

(a) use another member's identification information to cast an election ballot; or

(b) permit another person to use the member's identification information to cast an election ballot.

Apr2022;Feb2026

Counting Votes

14 As soon as practicable after 4:30 p.m. Mountain Time on the final day of election, the Executive Director will, under the oversight of the Auditor's representative, receive the electronically tallied election results from the electronic ballot provider.

Apr2022;Oct2026

Resolving Tied Vote

15 (1) If an equal number of votes are cast for two or more candidates and as a consequence the election of one or more candidates is undecided, the Executive Director will in the presence of the Auditor's representative:

(a) write the name of each of the impacted candidates on identical pieces of paper;

(b) fold and place all identical pieces of paper into a ballot box;

(c) draw from the ballot box by chance one piece of paper; and

(d) declare elected as a Bencher the candidate named on the piece of paper drawn.

(2) The process established in subrule (1) will be followed as many times as is necessary.

Apr2022

Declaration of Election Results

15.1 The Executive Director shall, after confirming the results with the Auditor's representative, declare the election results in the following order:

(a) the current President-Elect is declared elected as a Bencher, pursuant to subsection 12(4) of the Act;

(b) for each of the Northern, Central and Southern Districts, candidates are declared elected as a Bencher from the district, as follows:

(i) pursuant to subrule 10.1(6); or

(ii) if more than one candidate is nominated in a district, following the counting of votes for each candidate, the candidate in each of the districts who receives a greater number of votes than any other candidate in the candidate's district shall be elected as a Bencher from their district; and

(c) after the candidates referred to in clause (b) have been declared elected, following the counting of votes, each remaining candidate who receives a greater number of votes than any other candidate shall be declared elected as a Bencher until all elected Bencher positions are filled.

Apr2022;Oct2026

Notice of Election Results

16 (1) The Executive Director will immediately after the declaration of election results,

(a) notify the elected Benchers of their election; and

(b) provide a copy of the election results to each candidate.

(2) When the notifications required under subrule (1) have been completed the Executive Director will post the election results on the Society website, thereby notifying all members and students-at-law of the results of the election, including the names of the Benchers declared elected and the number of votes cast for each candidate, where applicable.

Apr2022;Oct2026

Appeal of an Election Result

16.1 A member who disputes the validity of the election pursuant to section 17 of the Act, must notify the Law Society in writing within 10 calendar days of filing an application in the Court of King's Bench.

Apr2022;Sep2022

Appointment to Fill a Vacancy

17 (1) In accordance with section 19 of the Act, the Benchers may establish a process to govern the appointment of a Bencher when a vacancy arises.

(2) The process referenced in subrule (1) shall first consider whether there is a vacancy in the Northern, Central or Southern District, in which case the Benchers shall appoint as a Bencher an eligible member from that district, when possible.

(3) Subsequent to the consideration in subrule (2), the process referenced in subrule (1) may permit the Benchers to consider any factors they consider relevant, including a potential Bencher's competencies, diverse characteristics, and results in the most recent Bencher election, if any.

(4) Notwithstanding subrule (1), if a vacancy arises on or after February 28 in an election year, the Benchers need not make an appointment pursuant to section 19 of the Act to fill the vacancy.

Apr2022

MEETINGS OF BENCHERS

Procedure

18 (1) Subject to the Act and these Rules, the procedure at meetings of the Benchers shall be governed by the current edition of Robert's Rules of Order Newly Revised.

(2) Subrule (1) does not preclude the Benchers from adopting their own procedure in a particular case.

Adjournment for Want of Quorum

19 In the absence of a quorum after a lapse of 30 minutes beyond the time designated for the commencement of a meeting of the Benchers, the President or President-Elect or, in the absence of both of them, the Bencher present having the longest standing on the Roll may adjourn the meeting to some other time, at the same or a different place.

Agenda

20 The agenda of a meeting of the Benchers other than a special meeting shall, where appropriate, include the following matters:

(a) reading of the minutes of previous meetings;

(b) matters arising out of the minutes;

(c) communications and enquiries;

(d) petitions;

(e) matters arising under Part 3 of the Act;

(f) applications for reinstatement;

(g) reports from officers of the Society;

(h) reports from standing committees;

(i) reports from special committees;

(j) motions of which previous notice has been given;

(k) notices of motion;

(l) new business;

(m) the next meeting.

MISCELLANEOUS

Petitions

21 (1) All statements contained in any petition to the Benchers shall be verified by statutory declaration.

(2) Every petition to the Benchers shall be submitted to the Executive Director in the number of copies specified by the Executive Director.

Expenses and Allowances

22 (1) A Bencher, other than a lay Bencher, shall be paid expenses and allowances in accordance with the guidelines under subrule (3) in connection with attending

(a) a meeting of the Benchers,

(b) a meeting of the Society,

(c) a meeting of a committee or of a subcommittee of a committee,

(d) a meeting of a Hearing Committee,

(e) any other meeting, function or convention on the business of the Society, or

(f) on any other matter when authorized by the Benchers or by the Executive Committee.

(2) A person other than a Bencher shall be paid expenses and allowances in accordance with the guidelines under subsection (3) in connection with

(a) attending a meeting of a committee, or subcommittee of a committee, of which that person is a member, or

(b) acting on a volunteer basis on any other matter related to the business and affairs of the Society when authorized to do so by the Benchers or a committee.

(3) The Audit and Finance Committee shall establish guidelines for the determination and payment of expenses and allowances that may be paid under subrules (1) and (2).

(4) Notwithstanding subrules (1) to (3), the Benchers or the Executive Committee may authorize the payment by the Society to a Bencher or other person of an expense or allowance not otherwise provided for in the guidelines under subrule (3).

Jun2013;Feb2016

Time limit for Votes Under Section 20(5)

23 (1) Where a vote on a resolution is conducted under section 20(5) of the Act,

(a) the President may, when the Benchers are notified of the resolution, prescribe a deadline by which the Benchers must notify the Executive Director of their votes on the resolution, and

(b) the determination of the vote shall be based only on those Benchers' votes of which the Executive Director is notified before the deadline.

(2) Notwithstanding subrule (1), where a vote on a resolution is conducted under section 20(5) of the Act,

(a) the resolution may be acted on before the deadline when a sufficient number of affirmative votes are received to pass the resolution in accordance with section 20(5)(b) of the Act, or

(b) action can be taken before the deadline without reference to the resolution when a sufficient number of negative votes are received before the deadline to prevent the passing of the resolution in accordance with section 20(5) of the Act.

Representation in Proceedings Adjudicated by the Society

23.1 (1) For the purposes of this Rule:

(a) “adjudicator” means a person appointed under section 59(1)(b) of the Act,

(b) "committee" includes subcommittee or panel of the committee,

(c) "proceedings adjudicated by the Society " include proceedings which will, or may lead to, adjudication by:

(i) the Benchers or a panel of the Benchers,

(ii) a committee of the Society,

(iii) a hearing committee, or,

(iv) an employee of the Society,

but does not include proceedings which are before the courts.

(d) "anyone" includes any member of the public, any member of the Society, and the Society itself.

(2) Benchers and adjudicators may not represent anyone in any proceedings adjudicated by the Society.

(3) Society committee members may not represent anyone in any proceedings adjudicated by the Society, while a committee member, or for three years from the date on which that person ceased to be a committee member.

(4) A past Bencher or adjudicator may not represent anyone, in any proceedings adjudicated by the Society for:

(a) three years from the date on which that person ceased to be a Bencher or adjudicator,

(b) three years from the date on which that person last participated as a member of a hearing committee, or

(c) three years from the date on which that person was most recently a Society committee member or was the Society’s representative in relation to another organization,

whichever is latest.

(5) Subrules (2) through (4) do not apply to the members of the law firms of the President, Benchers, committee members, adjudicators, past Benchers, past Presidents, past committee members and past adjudicators, though members of the same firm may not participate in a matter as counsel where one of the above listed individuals is an adjudicator.

Feb2003;Feb2017

DIVISION 2
COMMITTEES

Committee Organization

24 **(1)** Subject to the Act and these Rules, the Benchers

(a) shall appoint the members of all committees and the respective chairs of those committees, and

(b) where considered advisable, may appoint one or more vice-chairs for any of those committees.

(2) If for any reason the chair of a committee is absent or unable to perform the duties of the chair at a meeting of the committee, the vice-chair, if available, or any other committee member chosen by the committee, may preside at the meeting and while so presiding has the powers and duties of the chair.

(3) A power or duty conferred or imposed by these Rules or the Act on the chair of a committee may be exercised or performed by the vice-chair of the committee.

(4) If a vacancy occurs in a committee established by these Rules or pursuant to section 6(c) of the Act, the vacancy may be filled by the President pending the appointment of a successor by the Benchers.

Oct2023

Committee Meetings and Resolutions

25 **(1)** Members of a committee or a panel of a committee may conduct or participate in a meeting of the committee or panel by means of telephone or other communication facilities that permit all persons participating in the meeting to hear each other.

(2) If the chair of a committee or a panel of a committee is of the opinion that it is desirable to take a vote on a resolution and that it is impracticable in the circumstances to hold a meeting of the committee or the panel for that purpose, the following provisions apply:

(a) the chair may direct that the vote be taken by the polling of the committee or panel members by mail, telegram, telephone, telecopier or other mode of communication or by any combination of those modes;

(b) the chair may, when the committee or panel members are notified of the resolution, prescribe a deadline by which they must notify the chair of their votes on the resolution;

(c) the determination of the vote shall be based only on the votes of which the chair is notified before the deadline;

(d) if the vote is conducted in accordance with clauses (a) and (b), the resolution is agreed to by at least 2/3 of the persons so voting and the persons so voting constitute a majority of the persons then holding office as members of the committee or panel, the resolution is as valid as if the vote were taken at a properly constituted meeting of the committee or panel;

(e) notwithstanding clauses (c) and (d),

(i) the resolution may be acted on before the deadline when the chair receives a sufficient number of affirmative votes to pass the resolution in accordance with clause (d), and

(ii) action may be taken before the deadline without reference to the resolution when the chair receives a sufficient number of negative votes to prevent the resolution being passed in accordance with clause (d).

(3) A written resolution signed by a majority of the members of a committee established by or under the Act, has the same force and effect as a resolution passed at a meeting of the committee unless one or more members of the committee request that the resolution be considered at a meeting of the committee.

Executive Committee

26 **(1)** The Executive Committee is established and shall consist of

(a) the President, who shall be its chair;

(b) the President-Elect, who shall be its vice-chair;

(c) four Benchers, who are not lay Benchers, to be elected by the Benchers;

(d) one lay Bencher, to be appointed by the lay Benchers; and

(e) the immediate past President, as defined in subrule 27(3), who shall not be entitled to vote at any meeting of the Committee.

(2) The Executive Committee has the following powers and duties:

(a) to supervise the general administration of the business and affairs of the Society and to counsel and instruct the Executive Director with respect to those matters;

(b) to determine policy on any matter arising between meetings of Benchers, which in the opinion of the Committee requires immediate consideration;

(c) to determine the remuneration payable to the Executive Director;

(d) to determine the remuneration payable to the officers and employees of the Society other than the Executive Director, except to the extent that the power to do so is delegated to the Executive Director.

Jan2002;Nov2002;Sep2009;Dec2009'Dec2019;Apr2021;Oct2023

Nominating Committee

26.1 (1) The Nominating Committee is established and shall consist of

(a) the President;

(b) the President-Elect, who shall be its chair;

(c) the incoming President-Elect;

(d) the lay Bencher appointed to the incoming Executive Committee; and

(e) one Bencher who is not a lay Bencher or a member of the incoming Executive Committee, to be appointed by the Benchers, following a recommendation by the outgoing Executive Committee.

(2) The members of the Nominating Committee shall hold office from the close of business at the last regular meeting of the Benchers in each year for a term of one year or until their successors are elected or appointed.

(3) The President, President-Elect and the incoming President-Elect will maintain their membership on the Nominating Committee following their transition, during their term, to the offices of immediate past-President, as defined in subrule 27(3), President and President-Elect, with no vacancies created on the committee by the change in offices.

Oct2023;Feb2025

Election of President-Elect and Executive Committee Members and Constitution of Committees

27 (1) Unless the Benchers decide otherwise, the business to be conducted at the last regular meeting of the Benchers in each year includes the following:

(a) the presentation to the Benchers by the Chair of the nominations received in advance for President-Elect and call for any nominations from the floor;

(b) the election by the Benchers of the incoming President-Elect in accordance with procedures adopted by the Benchers for that purpose;

(c) the presentation to the Benchers by the Chair of the nominations received in advance for election of four Benchers who are not lay Benchers to the Executive Committee and calls for any nominations from the floor;

(d) the election by the Benchers of four Benchers who are not lay Benchers to the Executive Committee in accordance with procedures adopted by the Benchers for that purpose;

(e) the appointment by the lay Benchers of the lay Bencher member of the Executive Committee; and

(f) the appointment of a Bencher who is not a lay Bencher or a member of the Executive Committee to the Nominating Committee.

(2) Unless the Benchers decide otherwise, the initial business to be conducted at the first regular meeting of the Benchers in each year shall be as follows:

(a) the assumption by the President-Elect of the office of President, the assumption by the incoming President-Elect of the office of President-Elect and the assumption by the President of the office of immediate past-President in accordance with subrule (3);

(b) if no-one holds office as President-Elect at the commencement of the meeting, the election of the new President; and

(c) upon consideration of comments received from the Benchers, the Nominating Committee shall present its final recommendation for approval by the Benchers regarding the appointments as chair and members of each of the committees of the Society, other than the Executive Committee and Nominating Committee.

(3) To become the immediate past President, a President must resign as a Bencher at the end of their term as President or complete their eligible term as a Bencher at the same time as their term as President ends and not run for re-election.

(4) The chairs and vice-chairs and the members of all Society committees, other than the Nominating Committee but including the Executive Committee, hold those respective offices from the close of business at the first regular meeting of the Benchers in each year for a one year term or until their successors are elected or appointed.

Jan2002;Nov2002;Sep2009;Dec2009;Apr2022;Oct2023;Jan2025

Vacancy in the Office of President

27.1 (1) When, following the last regular meeting of the Benchers in the year, the office of President becomes vacant, the President-Elect shall assume the role of Acting President for the remainder of the term and shall assume the office of President at the first regular meeting of the Benchers in the year.

(2) When, prior to the last regular meeting of the Benchers in the year, the office of President becomes vacant:

(a) the President-Elect shall assume the office of President, and

(b) the Benchers shall determine whether that person's term as President will be the remainder of the vacating President's term or the remainder plus the following year, taking into account:

(i) the length of the remainder of the vacating President's term,

(ii) the operational needs of the Society, and

(iii) any other factor which the Benchers consider relevant.

Vacancy in the Office of President-Elect

27.2 (1) When, following the last regular meeting of the Benchers in the year,

(a) the office of President-Elect becomes vacant, or

(b) the President-Elect has assumed the role of Acting President due to a vacancy in the office of President,

the incoming President-Elect shall assume the role of Acting President-Elect for the remainder of the term and shall assume the office of President-Elect at the first regular meeting of the Benchers in the year.

(2) When, following the last regular meeting of the Benchers in the year, the position of incoming President-Elect becomes vacant, the Benchers shall elect an incoming President-Elect as soon as practicable after the vacancy occurs.

(3) When, prior to the last regular meeting of the Benchers in the year, the office of President-Elect becomes vacant, the Benchers shall elect a President-Elect as soon as practicable after the vacancy occurs, who shall assume the office of President at the end of the incumbent's term.

Election Procedures

28 (1) The election of the President-Elect shall be conducted by secret ballot unless there is only one candidate, in which case the sole nominee will be declared elected.

(2) If there are 2 or more candidates for election as President-Elect, the following provisions apply:

(a) the candidate who first receives a majority of the votes cast shall be declared elected as President-Elect;

(b) if there are 3 or more candidates and as a result of the first vote no candidate is declared elected under clause (a),

(i) subject to subclause (ii), the name of the candidate with the fewest number of votes shall be removed from the list of candidates;

(ii) where 2 or more candidates are tied for the least number of votes, a vote shall be held to determine which one of those candidates will be removed from the list of candidates;

(iii) after a Bencher is removed from the list of candidates pursuant to subclause (i) or (ii), another vote shall be conducted among the remaining candidates;

(c) the procedures in clause (b) shall be repeated, if necessary, until

(i) a candidate is declared elected under clause (a), or

(ii) there are 2 candidates remaining on the list of candidates and the result of the vote is a tie,

whichever event occurs first;

(d) where there are only 2 candidates for election or remaining on the list of candidates and the result of the vote is a tie, a draw shall be held to determine which of the candidates will be declared elected as President-Elect unless the Benchers decide

(i) that another vote be held, or

(ii) that the successful candidate will be determined by the vote of the chair of the meeting, whether or not the chair cast a ballot in the previous vote;

(e) where a draw is required to be held under clause (d),

(i) the Executive Director shall put into a box a paper for each of the candidates concerned with the candidate's name on it, and fold each paper so that the name is inside and is not distinguishable without the paper being opened,

(ii) the papers shall be mixed together in the box and the Executive Director shall draw a paper by chance from the box in the presence of the meeting, and

(iii) the candidate whose name is on the paper so drawn shall be declared elected as President-Elect.

(3) Subrules (1) and (2) also apply, with the necessary modifications, to

(a) the election of the Acting President, when it is necessary to appoint an Acting President in accordance with subsection 24(4) of the Act, or

(b) the election of the President, when the office of President-Elect is vacant at the first regular meeting of the Benchers in each year in accordance with clause 27(2)(b).

Jan2002;Nov2002;Sep2009;Sep2015;Oct2023;Oct2025

Professional Responsibility Committee

29 **(1)** The Professional Responsibility Committee is established.

(2) The Professional Responsibility Committee consists of two members.

(3) The Chair of the Credentials and Education Committee will serve as the Chair of the Professional Responsibility Committee and the Chair of the Practice Review Committee will serve as the Vice-Chair of the Professional Responsibility Committee.

(4) The Chair of the Professional Responsibility Committee may consult, on request, with the Chair of the Conduct Committee and the President under section 57 of the *Legal Profession Act* to determine if a matter should be re-examined.

Feb2016;Apr2016

Unauthorized Practice of Law Committee

30 Repealed February 2016.

Feb2016

Communications Committee

31 Repealed February 2016.

Feb2016

DIVISION 2A
OFFICE OF THE PRACTICE AND EQUITY ADVISOR

Office of the Practice and Equity Advisor

31.1 (1) The Office of the Practice and Equity Advisor is established.

(2) The Executive Director may appoint one or more Practice and Equity Advisors to provide services and resources to:

(a) aid members in maintaining and improving their ability to serve the public interest, including practice, practice management, and risk management support; and

(b) facilitate the informal resolution of harassment and discrimination disputes involving members, students-at-law, and persons working for legal employers.

(3) When carrying out functions pursuant to this Rule, the Office of the Practice and Equity Advisor shall act independently of the Law Society but within the scope of this Rule and any additional authority as prescribed by the Benchers.

(4) Communications between a member or any other person and the Practice and Equity Advisor, made pursuant to this Rule, are confidential unless

(a) a communication reveals

(i) the misappropriation or the likely misappropriation of funds, or

(ii) the likelihood of physical harm to any person;

(b) for the purposes of a proceeding under Parts 2 and 3 of the Act and Parts 2-4 of the Rules,

(i) the member consents to the disclosure;

(ii) if more than one member participated in the communication, all members consent to the disclosure;

(iii) the member puts the communication in issue during a proceeding, thereby waiving confidentiality, provided that any other member involved in the communication consents to the disclosure; or

(iv) all parties in the resolution of a harassment and discrimination dispute, consent to the disclosure.

(5) A Practice and Equity Advisor will not be called by the Law Society to give evidence in any proceeding under Parts 2 and 3 of the Act or under Parts 2-4 of the Rules against a member, unless they meet the requirements of subrule 4(b).

(6) A Practice and Equity Advisor is relieved from the obligation to report to the Law Society pursuant to Chapter 7, Rule 7.1-3 of the Code of Conduct, except in the circumstances described in subrule (4).

Dec2011;Oct2025;May2026

DIVISION 2B
OFFICE OF THE EQUITY OMBUDSPERSON

Office of the Equity Ombudsperson

31.2 Repealed May 2026.

Dec2011;Oct2025;May2026

DIVISION 3
MEETINGS OF THE SOCIETY

Notice of Meeting

32 (1) The notice of an annual general meeting sent pursuant to section 27(4) of the Act shall be accompanied by

(a) a proposed agenda for the meeting,

(b) the statement of the financial position of the Society for the previous fiscal year, and

(c) a copy of each motion to be presented at the meeting, if the motion shows its proposed mover and seconder and was received by the Executive Director at least 20 days before the date of the meeting.

(2) A notice of a special meeting of the Society sent pursuant to section 28(2) of the Act shall be accompanied by

(a) a proposed agenda for the meeting, and

(b) a copy of the Bencher's resolution under section 28(1)(a) of the Act or the petition under section 28(1)(b) of the Act, whichever initiated the need for the meeting.

Nov2015

Procedure at Meetings

33 (1) Subject to the Act and these Rules, the procedure at meetings of the Society shall be governed by the current edition of *Robert's Rules of Order Newly Revised*.

(2) At an annual general or special meeting of the Society, the following provisions apply:

(a) every main motion, as defined in the current edition of *Robert's Rules of Order Newly Revised*, requires a seconder;

(b) a motion to introduce or revisit a substantive question, other than one that accompanied the notice of the meeting, may not be presented except with the unanimous consent of the members present at the meeting and, should such unanimous consent be given, notwithstanding clause (l), the motion shall require 2/3 of those members present and voting to vote in favour of it for adoption;

(c) the mover of a motion may speak to the motion first and thereafter other members may speak to the motion in the order determined by the chair;

(d) upon recognition by the Chair, members shall state their first and last name, and city or town of residence prior to addressing the meeting;

(e) no member shall speak in debate for longer than two minutes after recognition;

(f) no member may speak more than once on a motion while there are other members present who wish to speak on the motion but have not yet done so;

(g) no member may speak more than twice on the same motion except with the permission of the chair;

(h) consideration of a main motion, as defined in the current edition of *Robert's Rules of Order Newly Revised*, shall be limited to;

(i) 20 minutes at an annual general meeting, and

(ii) 60 minutes at a special meeting;

(i) a member may not vote by proxy;

(j) voting on a motion will be by a show of hands unless the chair requires a standing vote or a counted vote;

(k) the chair may vote when the vote is by ballot, otherwise the chair may vote only in the case where the chair's vote will impact the outcome of a vote but is not required to vote in that event;

(l) a main motion, as defined in the current edition of *Robert's Rules of Order Newly Revised*, shall be adopted if a majority of those members present and voting vote in favour of it;

(m) a motion to reconsider, as defined in the current edition of *Robert's Rules of Order Newly Revised*, requires a 2/3 vote of the members present and voting for adoption;

(n) pursuant to sections 27 and 28 of the Act, only active members may participate in and vote at meetings, and, in addition, the Society's lay Benchers may attend meetings as non-voting guests and the President will determine all additional guest attendance at meetings;

(o) the President will chair the meeting but, in their sole discretion, may appoint a chair to act in their place;

(p) the President will appoint a committee of three active members, in attendance at the meeting, to approve the minutes;

(q) the President will appoint all individuals and committees necessary for the conduct of the meeting;

(r) as necessary and appropriate, the Chair may call upon any subject matter expert to provide information during the meeting;

(s) no meeting attendee may use screen captures, photography, video cameras, keyboards, audio equipment, social media feeds or other recording equipment of any kind to record, transcribe or transmit any portion of the meeting without the prior approval of the President.

(3) When an annual general or special meeting of the Society is held using electronic means, or a combination of both in-person and electronic means, the following additional provisions apply:

(a) an "electronic attendee" means a meeting attendee who is attending the meeting electronically;

(b) electronic attendees must register at least 72 hours in advance of the scheduled start time of the meeting in order to attend the meeting;

(c) login information will be provided to electronic attendees at least 24 hours in advance;

(d) electronic attendees must login at least 15 minutes prior to the start of the meeting in order to be admitted to the meeting;

(e) members attending electronically must identify themselves with their full first and last names and roll number in order to participate in the meeting;

(f) electronic attendees are responsible for their own audio and internet connections and no action shall be invalidated on the grounds that the loss of, or poor quality of, a member's individual connection prevented participation in the meeting;

(g) the Chair may cause or direct the disconnection or muting of an electronic attendee's connection if it is causing undue interference with the meeting and the Chair's decision to do so, which is subject to an undebatable appeal that may be made by any member, shall be announced during the meeting and recorded in the minutes;

(h) to seek recognition by the Chair, a member attending electronically shall use the "Raise Hand" or similar function in the electronic meeting system, as directed by the Chair;

(i) notwithstanding clause (2)(j), voting shall be conducted using the voting feature of the electronic meeting service, using a combination of show of hands in-person and the voting feature of the electronic meeting service, or as directed by the chair.

Nov2020;Dec2020;Nov2020;Dec2021;Nov2022;Feb2023;Oct2023;Feb2024

DIVISION 4
FINANCIAL MATTERS

Fiscal Year

34 The fiscal period of the Society ends on December 31.

Feb2003;Jun2012

AUDIT AND FINANCE COMMITTEE

Establishment

35 The Audit and Finance Committee is established.

Feb2003;Feb2016

Terms of Reference

35.1 In addition to these Rules, the Terms of Reference for the Audit and Finance Committee, as approved by the Benchers and amended from time to time, apply to the Audit and Finance Committee.

Feb2003;Feb2016

Responsibilities

35.2 (1) The Audit and Finance Committee is responsible for general oversight of the financial affairs of the Society and will assist the Benchers in fulfilling their financial oversight responsibilities for the Society, including

(a) overseeing and reviewing

(i) the financial reporting process,

(ii) the system of internal control and management of financial risks,

(iii) the annual financial statement audit process, and

(iv) the process for monitoring compliance with rules and policies of the Law Society of Alberta and applicable laws and regulations;

(b) regularly reporting to the Benchers about Committee activities and making appropriate recommendations; and

(c) ensuring that the Benchers are aware of matters which may significantly impact the financial condition or affairs of the Society.

(2) In addition to the matters set out under subrule (1),

(a) the Audit and Finance Committee will review the draft audited financial statements of the Society for each fiscal year and, on completion of the review will submit the financial statements of the Society to the Benchers for their approval with any changes recommended by the Committee.

(b) the Audit and Finance Committee shall recommend annual budgets for the Society.

(c) prior to the fiscal year end, the Society staff shall prepare and present to the Audit and Finance Committee a budget for the Society for the next fiscal year.

(d) the Audit and Finance Committee will review the budget presented to it and make a recommendation or recommendations to the Benchers with respect to the adoption of the budget.

(3) The Benchers shall

(a) prior to the commencement of each fiscal year consider the budget for the Society for the next fiscal year as recommended by the Audit and Finance Committee; and

(b) approve the budget of the Society before or as soon as possible after the commencement of the fiscal year.

Feb2003;Jun2013;Jun2014;Feb2016

Authority

35.3 Within the scope of its responsibilities, the Audit and Finance Committee is authorized to:

(a) seek any information it requires from:

(i) any employee (all employees being obligated to cooperate with any request made by the Audit and Finance Committee);

(ii) external parties;

(b) obtain outside legal or other professional advice; and

(c) ensure the attendance of Society officers, management and employees at meetings as appropriate.

Feb2003;Feb2016

Composition

35.4 The composition of the Audit and Finance Committee must meet the following requirements:

(a) at least five members;

(b) all members of the Committee must be independent of the management of the Society as defined in National Instrument 52-110, and not

(i) have a business relationship with the Society or its managers or directors;

(ii) financially benefit from a relationship with the Society or its managers or directors;

(iii) have a pecuniary interest that conflicts with their fiduciary responsibilities to the Society; and

(iv) have any other direct or indirect material relationship with the Society and its managers or directors that could reasonably interfere with the exercise of their independent judgement or ability to act in the Society's best interests;

(c) all members of the Committee must be financially literate, as defined in National Instrument 52-110, in that they have the ability to read and understand a set of financial statements presenting a breadth and level of

complexity of accounting issues that are generally comparable to the breadth and complexity of the accounting issues that can reasonably be expected to be raised by the financial statements of the Society; and

(d) the Executive Director of the Society is an ex-officio member of the Committee.

Feb2003;Jun2013;Feb2016

Privacy

35.5 The information acquired by the Audit and Finance Committee, the proceedings of the Committee, and any reports issued by the Committee are private, except where the Committee determines otherwise.

Feb2003;Feb2016

Investment of Society Funds

35.6 The Audit and Finance Committee shall oversee and review the administration of the investments of all funds of the Society in accordance with policies determined by the Benchers.

Feb2016

BUDGET AND FINANCIAL AFFAIRS COMMITTEE

Terms of Reference

36 Repealed February 2016.

Feb2003;Feb2016

Responsibilities

36.1 Repealed June 2013.

Feb2003;Jun2013

Authority

36.2 Repealed June 2013.

Feb2003;Jun2013

Annual Budgets

37.1 Repealed February 2016.

Jun2013;Jun2014;Feb2016

37.2 Repealed February 2016.

Feb2003;Jun2013;Jun2014;Feb2016

Investment of Society Funds

38 Repealed February 2016.

Feb2003;Jun2013;Jun2014;Feb2016

38.1 Repealed July 1, 2019.

Jun2014

DIVISION 5
RECORDS OF THE SOCIETY

Roll of the Society

39 (1) The Society shall maintain a roll containing information about current and former members, in accordance with the Act.

(2) The following information from the roll, where applicable to current or former members, is public:

(a) name;

(b) enrolment date;

(c) date membership ceased;

(d) current status;

(e) current indemnification status;

(f) business contact information, which is:

(i) a firm or business name,

(ii) address,

(iii) telephone number, and

(iv) email address;

(g) current restrictions, conditions and undertakings related to the practice of law;

(h) disciplinary information, subject to orders or directions restricting publication; and

(i) custodianship information.

(3) Notwithstanding subrule (2), the Executive Director may decide that some or all of the information in subrule (2)(f) is not public.

(4) The following information from the roll about current practising members is public if the member consents:

(a) gender;

(b) languages of practice, in addition to English;

(c) areas of practice;

(d) whether the member offers limited scope retainers; or

(e) membership in other Canadian law societies.

(5) Other than the information in subrules (2) and (4), information on the roll is private and confidential and is not public.

Nov2002;June2003;Nov2010;Feb2017;Jul2019;Dec2019;May2025

Register of Students-at-Law

40 **(1)** The Society shall maintain a register containing information about current and former students-at-law, in accordance with the Act.

(2) The following information from the register about current students-at-law is public:

(a) name;

(b) registration date;

(c) current status;

(d) current principal's name;

(e) principal's business contact information, which means:

(i) a firm or business name,

(ii) address,

(iii) telephone number, and

(iv) email address;

(f) current restrictions, conditions and undertakings related to the practice of law; and

(g) disciplinary information, subject to orders or directions restricting publication.

(3) Notwithstanding subrule (2), the Executive Director may decide that some or all of the information in subrule (2)(e) is not public.

(4) Other than the information in subrule (2), information on the register is private and confidential and is not public.

Nov2002;June2003;Feb2017;Dec2019

Publication of Roll and Register Information

40.1 The information in rules 39 and 40 that is public shall be:

(a) available for inspection at the Society's office during normal business hours; and

(b) published in a directory on the Society's website.

Feb2017;Dec2019

Active, Inactive and Suspension Lists

41 (1) The Executive Director shall maintain the following records:

(a) a list called the "active list", containing the names of all active members and their respective addresses most recently furnished to the Executive Director pursuant to Rule 42(1);

(b) a list called the "inactive list" which shall;

(i) contain the names of all inactive members and their respective addresses most recently furnished to the Executive Director pursuant to Rule 42(2), and

(ii) distinguish inactive members (retired) from other inactive members;

(c) a list called the "suspension list", containing the names of all suspended members and their respective addresses, including those furnished to the Executive Director pursuant to Rule 42(3).

(2) The non-practising list maintained under the former Rules becomes the inactive list on the coming into force of these Rules.

Furnishing Addresses to the Executive Director

42 (1) Every active member shall furnish to the Executive Director in writing

(a) the current business name and address of the member's place of practice, if the member is engaged in the practice of law, or

(b) the current address of the member's principal place of business or employment, if the member is engaged in business or employment but not in the practice of law, and

every law firm shall furnish to the Executive Director in writing

(c) any change to a law firm's name, before or immediately after the change is made, and

(d) any change to a law firm's ownership, before or immediately after the event occurs.

(2) Every inactive member shall furnish to the Executive Director in writing the current address of the member's principal place of business or employment if the member is engaged in business or employment.

(3) Every suspended member shall furnish to the Executive Director in writing the current address of the member's principal place of business or employment if the member is then engaged in business or employment.

(4) Every registered student-at-law shall furnish to the Executive Director in writing

(a) the current practice address of the principal, if the student-at-law is serving under articles,

(b) the current business address of the employer by whom the student-at-law is employed, if the student-at-law is employed pursuant to Rule 52(3) and if the address is different from the address provided under subrule (4)(a), or

(c) the current address of the student-at-law's place of business or employment, if the student-at-law is not serving under articles and is employed otherwise than pursuant to Rule 52(3).

(4.1) Every member and every registered student-at-law shall furnish to the Executive Director in writing their:

(a) business phone number(s),

(b) business fax number(s), and

(c) individualized business email address

to the extent that the member or student-at-law has these facilities, and shall advise the Executive Director promptly of any change in this information.

(5) Every member and every student-at-law shall, in addition to complying with subrule (4.1) and with subrule (1), (2), (3) or (4), as the case may be, furnish to the Executive Director, in writing, their:

(a) current residential address,

(b) current residential or cellular phone number,

(c) along with a personal email address if the member or student-at-law does not have a business email address,

which shall be included by the Executive Director in the member file or student-at-law file as the case may be.

(6) Subject to subrule (7), a requirement to furnish an address under subrule (1), (2), (3), (4), (4.1) or (5) shall be complied with forthwith after the establishment of the address.

(7) The filing with the Executive Director under Part 2 of articles or of a change of principal is deemed to be compliance with subrule (4)(a) until there is a change in the current address of the principal's place of practice.

Nov2002;Nov2015; Feb2017;Oct2021;May2025;Oct2025

Official Address for Service

43 (1) For the purposes of these Rules and section 114(b)(i) of the Act,

(a) the official address for service of a member is the most recent address for that member furnished under Rule 42(1), (2) or (3), as the case may be, and shall include a fax or email address furnished under Rule 42(4.1);

(b) the official address for service of a registered student-at-law is the most recent address for that student-at-law furnished under Rule 42(4), and shall include a fax or email address furnished under Rule 42(4.1).

(2) For the purposes of subrule (1),

(a) the address of an active member, as it appears in the active list on the coming into force of these Rules, is deemed to be the member's official address for service as though it had been furnished pursuant to Rule 42(1) on that date,

(b) the address of an inactive member, as it appears in the inactive list on the coming into force of these Rules, is deemed to be the member's official address for service as though it had been furnished pursuant to Rule 42(2) on that date, and

(c) the address of a registered student-at-law, as it appears in the register on the coming into force of these Rules, is deemed to be the student-at-law's official address for service as though it had been furnished pursuant to Rule 42(4) on that date,

until a new address is furnished under Rule 42.

(3) Notwithstanding subrules (1) and (2), the most recent residential address or personal email address furnished by a member or student-at-law pursuant to Rule 42(5) is an alternative official address for the member or student-at-law for the purposes of these Rules and section 114(b)(i) of the Act.

Nov2015

Deposit Agreement with Legal Archives Society

44 (1) In this Rule,

(a) "Legal Archives" means the Legal Archives Society of Alberta;

(b) "Deposit Agreement" means an agreement made between the Society and Legal Archives pursuant to this Rule.

(2) The Society may enter into a Deposit Agreement with Legal Archives setting out:

(a) the terms and conditions under which employees of Legal Archives may be given access to the records of the Society to determine the archival value of the records of the Society;

(b) the classification of the records of the Society for any purpose under the Deposit Agreement;

(c) the terms and conditions under which the records of the Society of archival value may be deposited with Legal Archives;

(d) the terms and conditions under which persons may be given access to the records of the Society deposited with Legal Archives for the purposes of bona fide historical research;

(e) the terms and conditions and the circumstances, under which the records of the Society deposited with Legal Archives must be returned to the Society.

(3) The Deposit Agreement shall provide that title to the records of the Society deposited with Legal Archives remains with the Society.

(4) Legal Archives may not disclose the records of the Society deposited with Legal Archives except in accordance with the Deposit Agreement.

(5) When the records of the Society are deposited with Legal Archives pursuant to the Deposit Agreement, the Deposit Agreement does not expand any right of public access to the records under the Act or these Rules

Dec2019

Member and Student-at-Law Records

45 (1) The Society shall keep and maintain the following records pertaining to current and former members, and current and former students-at-law:

(a) the roll;

(b) the register;

(c) member records; and

(d) student-at-law records.

(2) The records in subrule (1) are the property of the Society and are private and confidential subject to the Act and these Rules.

(3) Notwithstanding subrule (2), the following records are public:

(a) the information on the Roll specified in Rule 39; and

(b) the information on the Register specified in Rule 40.

(4) The Executive Director may not disclose member records or student-at-law records without the written consent of current or former members and current or former students-at-law, to whom the records relate.

(5) When written consent as set out in subrule (4) is given, the Executive Director may:

(a) allow disclosure;

(b) limit disclosure;

(c) set reasonable terms for use of the records; or

(d) refuse disclosure.

(6) Notwithstanding subrule (4), the Executive Director may disclose member records or student-at-law records without consent to the Benchers, officers, employees, agents, adjudicators and committee members of the Society for the purpose of the administration of the Act and the Rules, and for the business of the Society.

(7) Any information in the records that may be subject to a claim of privilege will not be disclosed to the public.

Feb2002;Feb2004;Feb2017;Dec2019

Disclosure of Business Contact Information

45.1 (1) In this Rule, "business contact information" means:

(a) the firm name, address, phone number, firm or individual email address and fax number of any member who is providing legal services and any student-at-law who is in an approved working arrangement; and

(b) any business name, address, phone number, business or individual email address and fax number available for any member not providing legal services and any student-at-law not in an approved working arrangement.

(2) The Society may disclose business contact information to:

(a) individuals or an Alberta or Federal court for the purpose of contacting members and students-at-law in relation to the practice of law;

(b) correctional facilities or an Alberta or Federal court for the purpose of enabling those facilities to verify the identity and credentials of members and students-at-law;

(c) the Federation of Law Societies of Canada for regulatory purposes;

(d) an approved digital signature provider for purposes of administering an approved digital signature program; and

(e) the Society libraries for the purpose of enabling them to enforce the obligations of members and students-at-law in relation to those libraries.

(3) The Society may disclose business contact information to non-profit organizations that:

(a) provide educational opportunities related to the practice of law,

(b) host functions and provide services that foster the collegiality of the profession,

(c) engage in legal education, research, publication or reform,

(d) preserve the profession's legal heritage,

(e) provide or promote the provision of legal services free, or at a nominal cost,

(f) publish lawyers' business contact information so that lawyers and students-at-law may be contacted in relation to the practice of law, or

(g) provide help to lawyers or students-at-law with personal issues,

to be used by those organizations for the advancement of those purposes.

(4) The provision of information under subrule (3)(f) is subject to the conditions that the organization:

(a) must, before publishing the information, publish a notice providing the individuals concerned with an adequate opportunity to indicate any objection to their information being published; and

(b) must place a notice on the front of the publication indicating that the business contact information provided is to be used to help contact lawyers and students-at-law in relation to the practice of law, and is not to be used for any commercial, marketing or fundraising purposes.

(5) In disclosing business contact information, the Society may impose conditions to protect that information from any unauthorized use or disclosure.

Feb2004;Feb2008;Jun2008;Feb2016;Apr2019

Certificate of Standing

46 On the request of

(a) the member concerned, or

(b) an extraprovincial law society in Canada,

the Executive Director or designate shall issue a Certificate of Standing in respect of a member.

Feb2004;May2025

PART 2
MEMBERSHIP AND QUALIFICATIONS TO PROVIDE LEGAL SERVICES

DIVISION 1
INTERPRETATION AND AUTHORITY

Interpretation

47 In this Part, unless the context indicates otherwise,

(a) "Committee" means the Credentials and Education Committee, or a panel thereof;

(b) "CPLED" means the Canadian Centre for Professional Legal Education;

(c) "CPLED program" means the program administered by CPLED on behalf of the Society as the Society's bar admission course and bar admission examination under the Act and these Rules;

(d) "entitled to practise law" means allowed, under the legislation and regulations of a home jurisdiction, to engage in the practice of law in the home jurisdiction, without meeting any further requirements;

(e) "Executive Director" includes

(i) the employees holding the positions of Manager of Membership and Customer Service and Supervisor of Customer Service,

(ii) lawyers employed or contracted by the Society to review applications and other materials under this Part, and

(iii) any other person designated by the Executive Director to perform any of the duties assigned to the Executive Director in these Rules;

(f) "governing body" means the Law Society or Barristers' Society in a Canadian common law jurisdiction, and the Barreau du Québec;

(g) "home governing body" means any or all of the governing bodies of the legal profession in Canada of which a lawyer is a member, and "home jurisdiction" has a corresponding meaning;

(h) "IJP" means the Inter-Jurisdictional Practice Protocol of the Federation of Law Societies of Canada signed February 18, 1994 in Jasper, Alberta, as amended;

(i) "IJP governing body" means a governing body that has

(i) signed the IJP, and

(ii) adopted regulatory provisions giving effect to the requirements of the IJP;

(j) "National Mobility Agreement" means the 2002 National Mobility Agreement of the Federation of Law Societies of Canada, as amended from time to time;

(k) "NMA governing body" means a governing body that has

(i) signed the National Mobility Agreement, and

(ii) adopted regulatory provisions giving effect to the requirements of the National Mobility Agreement;

(l) "Practice Readiness Education Program" or "PREP" means the program administered by CPLED on behalf of the Society as the Society's bar admission course and bar admission examination under the Act and these Rules;

(m) "provide legal services" means to engage in the practice of law

(i) physically in Alberta, except with respect to the law of a home jurisdiction, or

(ii) with respect to the law of Alberta physically in any jurisdiction,

and includes to provide legal services respecting federal jurisdiction in Alberta.

June2003;Feb2004;Feb2007;Sep2019;May2020;Apr2022;Oct2023;Oct2025

Delegation of Authority by the Benchers

47.1 The authority of the Benchers is delegated to:

(a) the Credentials and Education Committee in relation to the following matters:

(i) appeals under section 43(2) of the Act in relation to the following matters:

(A) applications for admission or enrolment, and

(B) decisions made by the Executive Director under this Part, and

(ii) an application pursuant to section 45 of the Act; and

(b) the Executive Director in relation to an application pursuant to section 37(4) of the Act.

Oct2002;June2003;Feb2004;Nov2006;Feb2008;Apr2016;Apr2017;May2020;Oct2023

Panels of the Credentials and Education Committee

48 (1) The Committee may sit in panels of a minimum of 3 members each, at least one of whom must be a Bencher, for the purposes of dealing with:

(a) matters delegated to the Committee under the Act;

(b) matters referred to the Committee by the Executive Director under the Act or Part 2 of the Rules;

(c) any matter involving an application by an individual under Part 2 of the Rules; and

(d) any appeals under Rule 48.4.

(2) Panels will be appointed by the Chair or Vice-Chair of the Committee.

(3) All 3 members of a panel of the Committee constitute a quorum at a meeting of the panel.

Feb2004;Feb2008;Apr2017;Sep2019;May2026

Review and Determinations by the Executive Director

48.1 (1) The Executive Director shall review each application.

(2) In the course of a review under this part the Executive Director may do any of the following:

(a) require the applicant to answer any inquiries or to provide any records that the Executive Director considers relevant for the purpose of the review; and

(b) direct an investigation of the matter.

(3) When a person conducts an investigation under this rule, the investigator may require the applicant or a member to:

(a) produce records and supporting documentation;

(b) provide authorizations directed to third parties to permit the review and copying of records and supporting documentation in possession of third parties; and

(c) attend an interview.

(4) The investigator shall provide a written report to the Executive Director containing the findings of the investigation.

(5) Prior to making a determination the Executive Director shall provide the applicant with a copy of the investigation report and an opportunity to respond to the report in writing.

Feb2008;Oct2023

48.2 (1) The Executive Director's review and determination shall be based entirely on documentary information, including the investigation report and response by the applicant, and evidence. Where the Executive Director determines that viva voce evidence or oral submissions are required in order to properly assess the matter, the Executive Director shall refer the matter to a panel.

(2) Where the Executive Director decides a matter, the Executive Director shall advise the applicant in writing of the decision made, of the reasons for that decision, and, in cases where a right of appeal is provided, the entitlement to appeal the decision to the Committee.

Feb2008

Referrals by the Executive Director to the Credentials and Education Committee

48.3 Wherever this Part of the Rules provides the Executive Director with the authority to determine a matter, the Executive Director may, in his/her sole discretion, refer the matter to the Committee for determination.

Feb2004

Appeals of Decisions by the Executive Director

48.4 (1) An applicant may appeal a decision of the Executive Director under section 37(4) of the Act, or this Part, to the Committee, unless the Rules specify that the Executive Director's decision is final.

(2) Notice of intention to appeal must be provided in writing to the Executive Director no more than 30 days after notice of the Executive Director's decision is provided to the applicant.

(3) An oral hearing of the appeal may be requested by:

(a) the applicant,

(b) any other person who may have an interest in the matter,

(c) the Society, or

(d) the Committee.

(4) An appeal of a decision of the Executive Director shall be heard by the Committee.

(5) The Committee shall deal with the appeal based on the record and shall determine if the Executive Director's decision was reasonable by reviewing and considering as part of the material before it:

(a) the written record that was before the Executive Director at the time of the decision, and

(b) the written decision of the Executive Director.

(6) The Committee may order one or more of the following upon determining an appeal of a decision of the Executive Director:

(a) the appeal be dismissed;

(b) the appeal be allowed; and

(c) the applicant or appellant meet certain conditions within any time frame as a condition of any order made.

Apr2017;Dec2021;Oct2023

Pre-Hearing Conferences

48.5 Repealed April 2021.

Feb2008;Jun2020;Apr2021

Committee/Panel Process

49 (1) To commence a hearing under this Part the Tribunal Office shall serve:

(a) the applicant or appellant, and

(b) any other person who the Executive Director believes may have an interest in relation to the matter,

with a Letter of Appointment of the Committee.

(2) When an oral hearing is requested, the Tribunal Office shall serve the parties in subrule (1) with a notice stating the time and place at which the appeal will be heard.

(3) The Committee shall make its decision on a matter on the basis of:

(a) the materials that were before the Executive Director;

(b) the written reasons for the decision of the Executive Director;

(c) any additional materials

(i) requested by the Committee from the applicant or appellant, or the Society, and

(ii) provided to the Committee by the applicant or appellant, by any other person who may have an interest in relation to the matter or by the Society; and

(d) if an oral hearing is held, any evidence received by the Committee during the hearing.

(4) The Committee hearing the matter shall

(a) determine the process to be followed in accordance with the Act, the Rules, the principles of natural justice and the circumstances of the matter; and

(b) in the event of an oral hearing, comply with Rule 98 as to persons present at the hearing, exhibits and records of the Society.

(5) An oral hearing shall be a private proceeding unless the Committee, on application, directs that all or part of the hearing is to be public.

(6) On completing its hearing and deliberations, the Committee shall provide its written decision to the Tribunal Office.

(7) On receipt of the written decision under subrule (6), the Tribunal Office shall within a reasonable time provide a copy of the written decision to the applicant or appellant.

(8) The decision of the Committee is final.

Feb2008;Apr2017;Apr2021

DIVISION 2
STUDENTS-AT-LAW

RECRUITMENT

Interpretation

49.1 (1) In Rule 49.2 and 49.3,

(a) "articling recruitment period" means the annual period specifically selected by the Executive Director with respect to the recruitment of articling students prior to which recruitment activity may not be conducted;

(b) "employer" means an employer of a student-at-law and includes a firm as defined in rule 2(1), a corporation and a government, but does not include a court;

(c) “first year student” means a student enrolled in first year of a law school or in a second year of a combined program, who reasonably expects and is scheduled to commence articling two years hence or later;

(d) “first year summer student recruitment period” means the annual period specifically selected by the Executive Director with respect to the recruitment of first year students prior to which recruitment activity may not be conducted;

(e) "recruiting year" means any year in which students are recruited by employers;

(f) "recruitment activity" means any activity, the primary objective of which is to place a particular student with an employer, and includes the conduct of interviews, the offer or provision of gifts, meals or entertainment on an exclusive or selective basis, and the making or solicitation of offers of employment; but does not include the scheduling of interviews or the participation in scholarship and prize programs, career fairs, seminars hosted by law schools or similar activities where the primary intent is not to recruit a particular student or students;

(g) "student" means a prospective student-at-law.

(2) A reference to the location of an employer means the location at which a student-at-law would be employed by that employer.

Feb2004;Jun2010;Jun2013;Feb2016

Articling Recruitment Activity

49.2 (1) This rule does not apply to:

(a) an employer located outside Calgary or Edmonton; or

(b) recruitment activity concerning third year law students, graduates of a Canadian law school or internationally trained lawyers who have received their Certificate of Qualification from the National Committee on Accreditation.

(2) Recruitment activity concerning a second-year law student who has been employed by the offering employer between that student's first and second years of law school, or between second and third years of law school, is exempt from subrules (3) and (4) if recruitment activity is completed and offers of employment are made before the articling recruitment period commences.

(3) Recruitment activity with respect to a particular student

(a) must not be conducted unless the student has completed second year law school;

(b) must not commence prior to the articling recruitment period; and

(c) must conform in all respects with this rule.

(4) No offer of employment by an employer to a student may be made before 8:00 a.m. on the second Tuesday of the articling recruitment period.

(5) An offer of employment by an employer to a student must be left open for acceptance for 24 hours.

Feb2004;Feb2009;Jun2010;Jun2013;Oct2023;Sep2024

First Year Summer Student Recruitment Activity

49.3 (1) This Rule does not apply to:

(a) an employer located outside Calgary or Edmonton;

(b) recruitment activity concerning a first year law student who has been employed by the offering employer; and

(c) recruitment activity concerning a second-year or third-year law student.

(2) Recruitment activity with respect to a particular student for first year summer employment

(a) must not be conducted unless the student is a first year student;

(b) must not commence prior to the first year summer student recruitment period; and

(c) must conform in all respects with this Rule.

(3) No offer of employment by an employer to a first year student may be made before 4:00 p.m. on the Friday of the first year summer student recruitment period.

(4) An offer of employment by an employer to a first year student shall be left open for acceptance for a minimum of 24 hours.

Jun2010;Jun2013;Sep2015;Sep2024

REQUIREMENTS FOR ADMISSION AS A STUDENT-AT-LAW

General Academic Requirements

50 (1) In Divisions 2, 3 and 4 unless otherwise specified, "applicant" means an applicant for admission as a student-at-law or enrolment as a member.

(2) The academic requirements for admission as a student-at-law, referred to in section 40(1)(b) of the Act, are met when the applicant

(a) has successfully completed the requirements for a bachelor of laws or a juris doctor degree from a faculty of common law at a Canadian university

(i) prior to January 1, 2015, or

(ii) on or after January 1, 2015, in a program approved by the Canadian Common-Law Program Approval Committee established by the Federation of Law Societies of Canada

(a "Canadian common-law degree"), or

(b) has qualifications equivalent to the requirements in subrule (2)(a) and in accordance with Rules 50.2,

and the requirements of clause (a) or (b) are met no more than three years before receipt of the application for admission.

(3) An applicant must demonstrate competence in Canadian law, which means the application of Canadian common-law statutes, regulations and policy at the federal and provincial level in Alberta.

(4) The basic standard for competence in Canadian law is meeting the academic requirements set out in subrule (2).

(5) An applicant may apply to the Executive Director to waive the three year time limit under subrule (2) and the Executive Director may deny the application or grant the application with or without conditions.

Feb2002;Feb2004;Nov2006;Feb2008;Dec2013;Oct2023

Evaluation of Canadian Common-law degrees

50.1 (1) A Canadian common-law degree will be evaluated by reference to an original or electronic transcript or other official documentation confirming completion of requirements for the common law degree, provided by the university issuing the degree.

(2) Acceptance of a Canadian common-law degree as evidence of competence is subject to satisfaction by the applicant of other requirements (if any) imposed from time to time by the Benchers on all applicants holding Canadian common-law degrees.

Feb2004;Dec2013;Apr2020

Evaluation of Other Law Degrees

50.2 (1) Bachelor of law degrees and juris doctor degrees from a faculty of civil law at a Canadian university ("Canadian civil-law degrees"), non-Canadian law degrees and legal practice experience will be evaluated on a case-by-case basis and requirements imposed to produce equivalence to a Canadian common-law degree referred to in

(a) rule 50(2)(a)(i), if the applicant's law degree was granted prior to January 1, 2015, or

(b) rule 50(2)(a)(ii), if the applicant's law degree was granted on or after January 1, 2015.

(2) Unless otherwise determined by a special resolution of the Benchers, evaluation of the degrees and experience referred to in subrule (1) will be conducted by the Federation of Law Societies' National Committee on Accreditation (the "NCA").

(3) An evaluation conducted by the NCA, as authorized by the Benchers, will be accepted by the Benchers, in paper or electronic form.

Feb2002;Feb2004;Dec2013;Apr2017;Apr2020

Transitional Matters - Academic Requirements

50.3 Repealed October 2023.

Feb2002;Feb2004;Oct2023

Authority to Impose other Requirements

50.4 The Executive Director may refer an application for admission to the Committee to consider whether additional requirements should be imposed in accordance with section 37 of the Act.

Feb2004

Deadlines and Documentation Required for Admission as a Student-at-Law

51 (1) An applicant for admission as a student-at-law under section 40(1) of the Act shall provide the Executive Director with:

(a) an application in a form acceptable to the Executive Director;

(b) a clear copy of identification in a form acceptable to the Executive Director;

(c) proof of satisfaction of the academic requirements in Rule 50(2);

(d) an education plan in compliance with Rule 57;

(e) articles of clerkship in compliance with Rule 57;

(f) payment of the prescribed application fee and prescribed admission fee; and

(g) a certificate of standing from each governing body of which the applicant is, or has been, a member, and where the governing body is outside of Canada, a certificate of standing or equivalent document in a form acceptable to the Executive Director.

(2) The documents and fees set out in subrule (1) must be provided to the Executive Director at least 30 days before the date on which the applicant proposes to commence articling.

(3) The Executive Director may abridge the 30-day requirement set out in subrule (2) when:

(a) proof of satisfaction of the academic requirements is unavailable; or

(b) the applicant makes a written application for abridgement setting out:

(ii) an inability to comply with the 30-day requirement,

(iii) the inability to comply arose from exceptional circumstances, and

(iv) the nature of the exceptional circumstances confirmed, in writing, by the applicant and the proposed principal; or

(c) the Executive Director determines that the 30-day requirement should be waived.

(4) The decision of the Executive Director under subrule (3) is final.

Feb2004;Feb2017;Oct2023

Admission Procedure for Students-at-Law

51.1 (1) The Executive Director will consider an application for admission and will notify the applicant:

(a) that the application is approved; or

(b) that the application is not approved.

(2) If an application for admission in subrule (1) is not approved, the Executive Director will:

(a) provide the applicant with reasons why the application was not approved; and

(b) inform the applicant of the right of appeal to the Committee under section 43(2) of the Act.

Oct2023

Character and Reputation Procedure for Admission

51.2 If the applicant for admission does not establish that they are of good character and reputation, the Executive Director shall refuse the application.

Feb2004;Feb2008,May2009;Feb2017;Oct2023

AUTHORITY TO PROVIDE LEGAL SERVICES

Conditions Precedent to Providing Legal Services as a Student-at-Law

52 (1) In this Rule, "approved working arrangement" means one where a student-at-law is

(a) working in accordance with, and under the authority of, an education plan and articles of clerkship approved by the Society, or

(b) working in compliance with subrule (3).

(2) The conditions precedent to providing legal services as a student-at-law are that the student-at-law:

(a) must have written confirmation from the Society of registration as a student-at-law;

(b) must have written confirmation from the Society of the approved articling commencement date; and

(c) must only provide legal services within an approved working arrangement.

(3) Subject to compliance with subrule (4), a registered student-at-law who has completed the prescribed period of articles may, as an employee of

(a) a law firm,

(b) a department of the Government of Alberta or the Government of Canada, or

(c) the legal department of a corporation,

perform any services that the student-at-law was permitted to perform while serving under articles.

(4) A student-at-law may perform services under subrule (3) only if

(a) the services are performed under the direct supervision of an active member who, unless the Executive Director otherwise approves, has been actively engaged in the practice of law in Alberta for at least 4 years, and

(b) there is filed with the Executive Director an undertaking in a form satisfactory to the Executive Director and given by an active member associated in practice with the law firm or department referred to in subrule (3)(a), (b) or (c) and stating that all services provided under subrule (3) by the student-at-law with that law firm or department will be performed under the direct supervision of the active member or one or more other active members with the same law firm or department.

(5) An undertaking need not be filed under subrule (4)(b) if

(a) the services are performed by the student-at-law at the same law firm or department in which the student-at-law was serving under articles when the articling term ended and

(b) the services are performed during the 90-day period following the end of the articling term.

(6) A student-at-law must be identified as such:

(a) in any law related promotional material that names the student-at-law; and

(b) in any matter where the student-at-law is involved in providing legal services and that involvement is apparent to anyone outside of the student's firm.

Feb2004

Legal Services that May be Provided

53 (1) This Rule is to be read subject to Rule 52.

(2) A student-at-law may act as counsel in the Court of Appeal in

(a) civil proceedings before a judge in chambers;

(b) proceedings for speaking to the list in civil or criminal matters;

(c) proceedings for the taxation of costs before a Registrar of the Court;

(d) an application with respect to judicial interim release pending appeal;

(e) interlocutory applications in criminal matters.

(3) A student-at-law may act as counsel in the Court of King's Bench in

(a) civil proceedings before a judge in chambers, other than a pre-trial conference or a judicial dispute resolution;

(b) proceedings before an applications judge;

(c) an examination for discovery;

(d) an examination of a debtor in aid of execution;

(e) any other examination provided for in the Alberta Rules of Court if it is conducted before an officer of the Court or a person authorized by the Court to conduct it;

(f) an inquiry before a referee under the Alberta Rules of Court;

(g) proceedings for the taxation of costs before an officer of the Court;

(h) an appeal respecting a civil claim taken pursuant to section 46 of the *Court of Justice Act*;

(i) an application in a criminal proceeding, if the application relates to any of the following:

(i) entering an election respecting the mode of trial;

(ii) entering a plea of not guilty;

(iii) fixing the date for a trial or a hearing;

(iv) an adjournment, where the matter has been brought forward to speak to the adjournment;

(v) an application with respect to judicial interim release.

(4) A student-at-law may act as counsel in the Surrogate Court in

(a) proceedings before a judge in chambers;

(b) proceedings for the taxation of costs before an officer of the Court.

(5) A student-at-law may act as counsel in the Alberta Court of Justice in the following circumstances, where the Court is not sitting as a youth court:

(a) in a proceeding pertaining to an offence punishable on summary conviction;

(b) in a proceeding pertaining to an offence prosecutable either as an indictable offence or a summary conviction offence, where the Crown elects or is deemed to have elected to proceed by summary conviction procedure;

(c) in a proceeding pertaining to an indictable offence in respect of which an Alberta Court of Justice judge has absolute jurisdiction;

(d) in a proceeding pertaining to any other kind of indictable offence, if it relates to any of the following:

(i) entering an election respecting the mode of trial;

(ii) entering a plea of not guilty;

(iii) fixing the date for a trial, a preliminary inquiry or a hearing;

(iv) an application for an adjournment, where the matter has been brought forward to speak to the adjournment;

(v) an application with respect to judicial interim release.

(6) A student-at-law may act as counsel in the Alberta Court of Justice in the following circumstances, where the Court is sitting as a youth court:

(a) in a proceeding pertaining to an offence punishable on summary conviction;

(b) in a proceeding pertaining to an offence prosecutable either as an indictable offence or a summary conviction offence, where the Crown elects or is deemed to have elected to proceed by summary conviction procedure;

(c) in a proceeding pertaining to an indictable offence in respect of which an Alberta Court of Justice judge would have absolute jurisdiction if the accused were an adult;

(d) in a proceeding pertaining to any other kind of indictable offence, if it relates to any of the following:

(i) entering a plea of not guilty;

(ii) fixing the date for a trial or a hearing;

(iii) an application for an adjournment, where the matter has been brought forward to speak to the adjournment;

(iv) an application with respect to judicial interim release.

(7) A student-at-law may act as counsel in the Alberta Court of Justice in proceedings:

(a) pertaining to an application for a maintenance order or for the enforcement of a maintenance order;

(b) pertaining to an application for an order for custody of or access to a child or to an application for a review of such an order;

(c) under the *Child, Youth and Family Enhancement Act*;

(d) under the *Mental Health Act*;

(e) under Part 4 of the *Court of Justice Act* (Civil Claims).

(8) A student-at-law may, with leave of the Court, act as counsel in any matter, whether contested or not, before the Court of Appeal, the Court of King's Bench, the Surrogate Court of Alberta or the Alberta Court of Justice if:

(a) the student-at-law is present for the purpose of assisting a member who is that student-at-law's principal or who meets the requirements of subrule 55(1); and

(b) the student-at-law acts in the presence of and under the supervision of the member.

(9) This Rule does not affect the obligation of the principal of a student-at-law to ensure:

(a) that the student-at-law is instructed to act as counsel only on matters where the services of an active member are unnecessary, and

(b) that the student-at-law is properly prepared before appearing before a court or an officer thereof.

(10) This Rule does not operate to entitle a student-at-law to act as counsel before a court if the student-at-law is prohibited from doing so by or pursuant to an enactment of the Parliament of Canada or of the Legislature of Alberta.

Feb2004;Feb2008;Apr2022;Sep2022;Apr2023

ARTICLING REQUIREMENTS

Articling Commencement Date

54 (1) The term of service under articles of clerkship shall commence:

(a) in the case of an applicant for admission under section 40(1) of the Act, on the day on which the Executive Director determines that the applicant has complied with all the requirements of the Act and these Rules respecting admission as a student-at-law; or

(b) in the case of a student-at-law who enters into new articles following the termination or expiration of previous articles, on the day on which the Executive Director receives new articles in compliance with Rule 57, unless the Executive Director approves a later commencement date or, in exceptional circumstances, approves an earlier date.

(2) An applicant under section 40(1) of the Act shall be admitted as a student-at-law as of the commencement date determined under subrule (1).

(3) The Executive Director shall advise the principal and student-at-law of the approved commencement date in writing.

(4) The decision of the Executive Director under this Rule is final.

Feb2004;Feb2008;Oct2023

Qualifying as a Principal

55 (1) Subject to this Rule and sections 38(2) and (3) of the Act a principal must be an active member of the Society and must have been actively engaged in the practice of law within Alberta for not less than 4 years immediately preceding the date on which the articles commence.

(2) An active member of the Society who wants to be a principal and has been actively engaged in the practice of law for at least 4 years may apply to the Executive Director to be exempted from the requirements that the 4 years of practice be within Alberta and that they be immediately preceding the date on which the articles commence.

(3) Prior to qualifying as a principal, and to maintain qualification, an active member must complete the mandatory principal training course prescribed by the Benchers.

(4) An active member may not enter into articles with more than two students-at-law unless authorized to do so by the Executive Director.

(5) The Executive Director shall determine the suitability of a member to act or continue to act as a principal. If the Executive Director is of the opinion the member is not suitable to act or to continue to act as a principal, the Executive Director shall order that a member:

(a) cease to act as a principal under existing articles of clerkship;

(b) not be permitted to serve as a principal in future until the Committee directs otherwise;

(c) only act or continue to act as a principal subject to conditions the Executive Director considers appropriate; or

(d) refer the matter to the Committee for determination under this rule.

(6) The Executive Director or the Committee may consider any matter for the purposes of subrule (5), including, without limitation,

(a) the records of the Society pertaining to current and previous proceedings against the member under Part 3 of the Act or the predecessors of that Part;

(b) claims against the Assurance Fund or Part B of the group policy resulting from the conduct of the member;

(c) claims paid under Part 5 of the Act or the predecessors of that Part arising out of the performance of services by the member;

(d) the failure of the member to comply with obligations imposed on the member by the Rules, articles of clerkship or education plans in the member's capacity as a principal; and

(e) previous proceedings before the Committee pertaining to the member under Part 2 of the Act.

(7) Where a matter is referred to the Committee under this Rule, in addition to any determination made under subrule (5), the Committee will provide directions as to the approved articling commencement date.

(8) Where:

(a) an application has been made for approval of articles,

(b) approval of the principal is in issue and the proposed principal has been so advised,

(c) the proposed principal has been provided with the option of arranging for another member, acceptable to the Society, to be the student's principal, and

(d) the Society has not received timely confirmation that another member, acceptable to the Society, will be the student's principal,

the Society shall advise the proposed student and principal, in writing:

(e) that approval of the principal is a condition precedent to approval of the articles,

(f) that approval of the principal is in issue, and

(g) that, in the meantime, the proposed student is not authorized to provide legal services that can only be provided by a student-at-law.

Feb2004;Feb2008;Jen2021;Dec2021;Oct2023

Required Articling Term

56 (1) A student-at-law who applies under section 40(2) of the Act to be enrolled as a member of the Society must satisfy the Executive Director that he or she has served under articles

(a) for periods totalling 12 months

(i) with a principal who is an active member of the Society and otherwise qualifies under these Rules, or

(ii) with a principal who is an active member of the Law Society of the Northwest Territories and otherwise qualifies under these Rules;

(b) where part of the articling term is served with a court or judge under section 38(2) of the Act,

(i) for periods totalling 15 months,

(ii) with at least five months of that term spent articling with a principal who is an active member of the Society and otherwise qualifies under these Rules;

(c) where part of the articling term is served with a Canadian court or judge not referred to in section 38(2) of the Act, for a period set by the Executive Director on conditions set by the Executive Director; or

(d) where the applicant has served articles in a Canadian jurisdiction other than Alberta or the Northwest Territories, for

(i) the period of time that would otherwise be required under (a), (b) or (c) above,

(ii) reduced by an amount of time equal to the time served in articles in the other jurisdiction,

(iii) with at least six months of articles being served in Alberta.

(2) The entire articling term required to be served under subrule (1) must be served within the three-year period immediately preceding receipt of the application for enrolment or, with the approval of the Executive Director or the Committee, within a longer period.

(3) If a student-at-law takes PREP during the articling term:

(a) the student-at-law's participation in PREP is mandatory;

(b) the student-at-law's attendance at the in-person portions of PREP is considered part of the articling term; and

(c) the student-at-law's principal must give the student-at-law time during the articling term to complete PREP.

Feb2004;Feb2008;Apr2020;May2020;Jan2023

Articles of Clerkship and Education Plan

57 (1) Articles of clerkship and an education plan must be completed by the proposed student-at-law and principal, submitted to the Society and approved by the Executive Director in order for the articles to be approved and student-at-law to be admitted.

(2) Once submitted to the Society, the articles of clerkship and education plan may only be altered or terminated with the written approval of the Executive Director.

(3) Articles of clerkship must be in the appropriate form, acceptable to the Executive Director,

(a) where the principal is an active member,

(b) where the principal is a judge with whom the student-at-law has been permitted to serve under articles pursuant to section 38(2) of the Act., and

(c) as modified by the Executive Director, where the principal is a judge with whom the student-at-law has been permitted to serve under articles pursuant to Rule 56(1)(c).

(4) An education plan must be submitted in a form, acceptable to the Executive Director, or as modified by the Executive Director, where the principal is a judge referred to in section 38(2)(d), (e) or (f) of the Act or in Rule 56(1)(c).

(5) If the student-at-law will be supervised by a lawyer or lawyer(s) other than the principal for part of the articling term, through one or more secondments outside of the principal's workplace,

(a) the supervisor(s) will be subject to the same requirements as a principal under Rule 55;

(b) notwithstanding clause (a), if the supervisor will be supervising a student-at-law for a period of less than 30 days, the supervisor is not required to complete the mandatory principal training course identified in subrule 55(3);

(c) the supervision period must not exceed three months; and

(d) the education plan for the student-at-law must include the following:

(i) the names of all proposed supervisors; and

(ii) the components of the education plan that will be supervised by each supervisor.

Oct2002;Feb2004;Feb2017;Apr2020;Dec2021

Duty to Notify the Society of a Change in Working Arrangements

57.1 (1) The student-at-law and the principal must promptly notify the Society in any circumstances where the student-at-law is no longer working in an approved working arrangement as defined in Rule 52(1).

(2) Subrule (1) does not apply where:

(a) the student-at-law is on a leave of absence with the approval of the principal;

(b) both the student-at-law and the principal expect that the student-at-law will resume working with the principal upon the conclusion of the leave of absence;

(c) the student-at-law will not be providing legal services of any type during the leave of absence; and

(d) the reason for the leave of absence does not in any way reflect on

(i) the integrity, or

(ii) the competence, as that term is defined in Chapter 2 of the Code of Conduct,

of the student-at-law.

Feb2004;Dec2011

Change of Principal

57.2 (1) A student-at-law must promptly notify the Society of any proposed changed of principal to another active member who is eligible to be a principal under Rule 55 or a judge.

(2) A change of principal is not effective unless the Executive Director approves the articles of clerkship and education plan for the remainder of the term of the articles.

(3) The Executive Director may make an approval under subrule (2) effective as of a date up to 30 days prior to the date on which the approval is actually granted, in order to prevent or minimize any interruption of the student-at-law's service under articles.

(4) A change of principal takes effect from

(a) the implementation date of the change, or

(b) the effective date of the approval of the education plan pursuant to subrule (2),

whichever date occurs last.

(5) A change of principal is not required merely because of the transfer of the student-at-law from the supervision of one active member to another or from the supervision of one judge to another, if the transfer is in accordance with the student-at-law's education plan.

Oct2002;Feb2004;Feb2017;May2025

Termination of Articles

57.3 (1) Articles of clerkship are automatically terminated on the occurrence of any of the following events:

(a) the death of the principal;

(b) the determination by the Executive Director that the principal has ceased to be actively engaged in the practice of law within Alberta during the period of the articles;

(c) the principal ceasing to be an active member;

(d) the suspension of the principal's membership by or pursuant to a provision of Part 3 of the Act;

(e) the principal ceasing to hold office as a judge;

(f) the making of an order by the Executive Director against the principal pursuant to rule 55(5)(a).

(2) Where the principal and the student-at-law jointly apply for the termination of articles of clerkship the Executive Director may grant the application.

(3) The Executive Director may terminate articles of clerkship

(a) if an order of reprimand has been made against the principal pursuant to section 72(1)(c) of the Act,

(b) if the principal's membership has been suspended for a rules suspension, as defined in rule 167,

(c) if the principal is a judge who has elected to become a supernumerary judge,

(d) on the application of the principal and the student-at-law where referred by the Executive Director, or

(e) on the application of either the principal or the student-at-law but with notice by the applicant to the other, or after an investigation, or after a hearing, or in such other circumstances as the Executive Director considers reasonable.

(4) When articles of clerkship terminate or are terminated under this Rule, the student-at-law may enter into a new education plan and new articles of clerkship in compliance with Rule 57, and in that event

(a) the whole of the period of service under the previous articles shall be counted toward satisfying the student-at-law's articling requirements unless the Executive Director, having regard to all the circumstances, decides that only a part of that period is to be so counted, and

(b) the period of service under the new articles shall commence on the date on which both the executed articles have been submitted to the Executive Director and the new Education Plan has been approved, or any earlier date approved by the Executive Director not preceding the date of termination of the previous articles.

Oct2002;Feb2004;Feb2008;Sep2019;Dec2021

Documentation Required on Completion of Articles

58 (1) On completion of the whole of the prescribed period of articles, the student-at-law must execute and furnish to the Executive Director a certificate in a form acceptable to the Executive Director.

(2) Except as otherwise provided in this Rule, on completion of the period of service under articles or following a change of principal or termination of articles, the member who was the principal under the articles must execute and furnish to the Executive Director a certificate in a form acceptable to the Executive Director relating to the period during which the member served as the principal, unless the member has reasonable cause to refuse to do so.

(3) A certificate under subrule (2) is not required:

(a) if the articles were terminated under Rule 57.3(1)(a) or (d), or

(b) if the Executive Director waives the requirement under subrule (1) in any other case where the articles terminate or are terminated under Rule 57.3.

(4) If a certificate under subrule (2) is not required by reason of subrule (3) or a waiver under subrule (3) or if the principal refuses or neglects to execute the certificate, the Executive Director may, on the application of the student-at-law:

(a) determine whether the student-at-law has or has not fulfilled the requirements described in respect of the period of articles, and

(b) if it makes a favourable determination under clause (a), waive compliance with subrule (2) and, where appropriate, the requirement to furnish the evaluation certificate provided for in the education plan.

Feb2004;Feb2008;Feb2017;May2025

Termination of Registration of Student-at-Law

58.1 (1) Registration as a student-at-law is automatically terminated three years from the approved articling commencement date unless the student-at-law has obtained an extension from the Executive Director.

(2) Subject to subrule (3), if the Executive Director has issued a certificate under section 44(1) of the Act after approving the enrolment of a student-at-law as a member of the Society pursuant to section 40(2) or 41(2)(b) of the Act, the registration of the student-at-law terminates on

(a) the date on which the student-at-law becomes a member of the Society, or

(b) the expiration of

(i) the 2-year period referred to in section 44(2) of the Act, and

(ii) any extension of that 2-year period granted under section 44(3) of the Act before the 2-year period expires,

whichever event occurs first.

(3) Subrule (2) does not preclude the Executive Director from granting an extension of time under section 44(3) of the Act after the expiration of the 2-year period referred to in section 44(2) of the Act or abrogate the right of a person to comply with section 44(2) of the Act during the extended period.

(4) If the Executive Director grants an extension of time to a person under section 44(2) of the Act after the expiration of the 2-year period, the registration of that person as a student-at-law is thereby reinstated with effect from the termination of the registration under subrule (2) and continues until the extension period expires or until that person becomes a member of the Society, whichever event occurs first.

(5) Notwithstanding subrule (1), if a student-at-law is the subject of proceedings under Part 3 of the Act, the Executive Director may

(a) extend the registration of a student-at-law, or

(b) further extend the registration of a student-at-law,

provided that the total period of registration as a student-at-law does not exceed 6 years from the approved articling commencement date.

(6) The Executive Director's decision under subrule (5) is final.

Feb2004;Sep2024

PREP PROGRAM REQUIREMENTS

Interpretation

59 Repealed May 2020.

Feb2004;Oct2008;May2020

Standard Requirements for Successful Completion

60 (1) Successful completion of PREP is a condition precedent to enrolment as a member of the Society under section 40(2) of the Act.

(2) PREP must be successfully completed:

(a) within the three-year period; or

(b) within a longer period, as specified and approved by the Executive Director or the Committee;

immediately preceding enrolment as a member of the Society under section 40(2) of the Act.

Feb2004;Oct2008;May2020

Enforcement of Requirements

61 Repealed May 2020.

Feb2004;Nov2006;May2020

Exceptions to Standard Requirements – Absence, Deferral, Re-marking, Supplementals, Appeals and Repeating the Course

62 Repealed May 2020.

Feb2004;Oct2008;Apr2014;May2020

Limitations to Exceptions

63 Repealed May 2020.

Feb2004;Nov2006;Oct2008;May2020

Transitional Matters for the CPLED Program

63.1 Repealed October 2023.

Feb2004;May2020;Oct2023

Exchanging Information

63.2 Repealed May 2020.

Feb2004;May2020

DIVISION 3
APPEALS FROM TRANSFER AND OTHER EXAMINATIONS

Interpretation

64 Repealed October 2023.

Feb2004;Apr2017;May2020;Oct2023

Status to Appeal - CPLED Program

64.1 Repealed May 2020.

Feb2004;May2020

Status to Appeal - Transfer and Other Examinations

64.2 Repealed October 2023.

Feb2004;Apr2016;Oct2023

Scope of Review

64.3 Repealed October 2023.

Feb2004;May2020;Oct2023

Filing for Appeal

64.4 Repealed October 2023.

Feb2004;May2020;Oct2023

Time Limits

64.5 Repealed October 2023.

Feb2004;Apr2016;May2020;Oct2023

Response to the Appeal

64.6 Repealed October 2023.

Feb2004;May2020;Oct2023

Additional Material

64.7 Repealed October 2023.

Feb2004;May2020;Oct2023

Hearing

64.8 Repealed October 2023.

Feb2004;Apr2017;May2020;Oct2023

Right to Counsel

64.9 Repealed October 2023.

Feb2004;May2020;Oct2023

Reasons

64.10 Repealed October 2023.

Feb2004;May2020;Oct2023

DIVISION 4
MEMBERSHIP

ENROLMENT REQUIREMENTS AND PROCEDURE

Application for Enrolment of Alberta Students-at-Law (Section 40 of the Act)

65 (1) A person applying for enrolment under section 40(2) of the Act must meet the requirements of the Act and of these Rules, including:

(a) successful completion of the articling requirements in accordance with Rule 56; and

(b) successful completion of PREP in accordance with Rule 60.

(2) An applicant for enrolment under subrule (1) shall provide the Executive Director with:

(a) an application in a form acceptable to the Executive Director; and

(b) the prescribed fees.

(3) The application in subrule (2) must be provided to the Executive Director at least 30 days before the date on which the applicant proposes to be enrolled as a member.

(4) The Executive Director may abridge the 30-day requirement set out in subrule (3) when:

(a) the applicant makes a written application for abridgement, setting out:

(i) an inability to comply with the 30-day requirement, and

(ii) the inability to comply arose from exceptional circumstances; or

(b) the Executive Director determines that the 30-day requirement should be waived.

(5) The decision of the Executive Director under subrule (4) is final.

Dec2001;Nov2002;Feb2004;Feb2017;May2020;Oct2023

Application for Enrolment of Faculty Members, Society Employees and Counsel to a Court (Section 45 of the Act)

65.1 An applicant for enrolment under section 45(1) of the Act shall provide the Executive Director with:

(a) an application in a form acceptable to the Executive Director;

(b) the documents that must accompany the application; and

(c) the prescribed fees.

Sep2000;Feb2004;Feb2008;Feb2017;Oct2023

Enrolment Procedure for Students-at-Law and Applicants under Section 45 of the Act

65.2 (1) The Executive Director will consider an application for enrolment by a student-at-law and will notify the applicant:

(a) that the application is approved; or

(b) that the application is not approved.

(2) If an application for enrolment in subrule (1) is not approved, the Executive Director will:

(a) provide the applicant with the reasons why the application was not approved; and

(b) inform the applicant of the right of appeal to the Committee under section 43(2) of the Act.

(3) The Committee will consider an application for enrolment by an individual under section 45 of the Act and will notify the applicant:

(a) that the application is approved; or

(b) that the application is not approved.

(4) If an application for enrolment in subrule (3) is not approved, the Committee will provide the applicant with the reasons why the application was not approved.

(5) If an application for enrolment in subrule (1) or (3) is approved, the Executive Director shall issue a certificate pursuant to section 44(1) of the Act.

(6) A certificate issued by a clerk of the Court of King's Bench pursuant to section 44(4) of the Act shall be in a form acceptable to the Executive Director.

(7) An applicant for enrolment in subrule (1) or (3) appearing before a judge for the purpose of section 44(2) of the Act shall, unless leave of the Court is granted, be properly gowned and attired and shall be presented to the presiding judge by an active member of the Society.

(8) When an applicant for enrolment in subrule (1) or (3) takes the oaths referred to in section 44(2)(a) and (b) of the Act, the applicant shall also take and subscribe the following oath:

> I will as a Barrister and Solicitor conduct all causes and matters faithfully and to the best of my ability. I will not seek to destroy anyone's property. I will not promote suits upon frivolous pretences. I will not pervert

the law to favour or prejudice anyone, but in all things will conduct myself truly and with integrity. I will uphold and maintain the Sovereign's interest and that of the public according to the law in force in Alberta.

(9) On entering a member's name in the Roll pursuant to section 44(6) of the Act, the Executive Director shall provide the member with a Certificate of Enrolment.

Feb2004;Feb2008,May2009;Feb2017;Sep2022;Oct2023

Continuation Procedure for Members under section 42 of the Act

65.3 (1) A member who has been enrolled under section 42 of the Act shall apply to the Executive Director

(a) before ceasing to be an employee of the corporation,

(b) within 30 calendar days after ceasing to be an employee of the corporation, or

(c) within such longer period as permitted by the Executive Director on application by the member,

for the approval of the Committee for the continuation of that person's membership under section 42 of the Act.

(2) A member who fails to comply with subrule (1) ceases to be a member of the Society.

Oct2023

Enrolment When Part 3 Proceedings have been Commenced

65.4 Notwithstanding Rule 65.2, no student-at-law shall be enrolled as a member if proceedings have been commenced under Part 3 of the Act in respect of a matter regarding the student-at-law's conduct until such time as the matter has been reviewed by the Executive Director and the Executive Director is satisfied that the student-at-law should be enrolled as a member.

Feb2004;Feb2008;Oct2023

Character and Reputation Procedure for Enrolment

65.5 If the applicant for enrolment does not establish that they are of good character and reputation, the Executive Director shall refuse the application.

Oct2023

REGISTRATION REQUIREMENTS AND PROCEDURE FOR LABOUR MOBILITY APPLICANTS

Interpretation

66 In Divisions 4 and 5, "labour mobility applicant" means an individual who applies to the Society to be registered as a member pursuant to the *Labour Mobility Act* and who is currently registered with an extraprovincial law society in Canada.

Application for Registration of Labour Mobility Applicants

66.1 (1) A labour mobility applicant shall provide the Executive Director with a complete application, which is:

(a) an application in a form acceptable to the Executive Director;

(b) the documents that must accompany the application;

(c) the prescribed fees and levies; and

(d) any other information requested by the Executive Director.

(2) If the Executive Director determines that an application submitted pursuant to subrule (1) is not a complete application, the Executive Director will notify the labour mobility applicant of any information that is incomplete and request that the labour mobility applicant provide this information to complete their application.

Oct2002;June2003;Feb2004;Oct2004;Feb2007;Feb2008;Feb2017;Oct2023

Additional Academic Requirements in Certain Cases

66.2 Repealed October 2023.

Feb2004;Feb2008;Oct2023

Registration Procedure for Labour Mobility Applicants

67 (1) The Executive Director must, pursuant to the *Labour Mobility Act*, make a decision to

(a) register the labour mobility applicant without restrictions, limitations or conditions,

(b) register the labour mobility applicant with restrictions, limitations or conditions, or

(c) refuse to register the labour mobility applicant,

within 20 business days of receipt of a complete application.

(2) The period in subrule (1) may be extended with approval of the Minister responsible for the *Labour Mobility Act*.

(3) The Executive Director must, within 10 business days after making a decision in subrule (1), provide the labour mobility applicant with written notice of the decision and, in the case of clause (1)(b) or (c), provide:

(a) written reasons; and

(b) information about the labour mobility applicant's right to an appeal under section 43(2) of the Act and the appeal process.

(4) A labour mobility applicant who is registered as a member has no greater rights as a member of the Society than:

(a) they had as a member of the governing body of their home jurisdiction at the time of registration as a member in the Society; and

(b) any other member of the Society in similar circumstances.

Oct2023

Continuing Professional Development

67.1 (1) "Continuing professional development" is any learning activity that is:

(a) relevant to the professional needs of a lawyer;

(b) pertinent to long-term career interests as a lawyer;

(c) in the interests of the employer of a lawyer or

(d) related to the professional ethics and responsibilities of lawyers.

(2) Continuing professional development must contain significant substantive, technical, practical or intellectual content.

(3) It is each lawyer's responsibility to determine whether a learning activity meets these criteria and therefore qualifies as continuing professional development.

67.2 (1) Every active member shall, in a form acceptable to the Executive Director:

(a) prepare a plan for their continuing professional development during the twelve month period commencing March 1 of each year; and

(b) submit the plan to the Society by the last day of February of each year.

(2) Once the plan in subrule (1) has been prepared and submitted, every active member must

(a) maintain a copy of the plan for three years from the date of submission;

(b) produce a copy of the plan for review by the Society, on request; and

(c) participate in any review of the plan by the Society.

Nov2008;Sep2015;Feb2016;Sep2016;Apr2023;May2023;Aug2026

67.3 (1) Every active member who does not comply with Rule 67.2(1)(b) in a year shall stand automatically suspended as of the day immediately following the deadline.

(2) Rule 165.1 shall apply to any suspension under (1).

Sep2016;Sep2019;Apr2023;May2023

67.4 (1) Independent of Rules 67.1 through 67.3, the Benchers may, from time to time, prescribe specific continuing professional development requirements to be completed by members, in a form and manner, as well as time frame, acceptable to the Benchers.

(2) The continuing professional development requirements of subrule (1) may apply to all members or a group of members, as determined by the Benchers.

(3) Every active member required to complete requirements under subrule (1) who does not comply within the specified time frame shall stand automatically suspended as of the day immediately following the deadline.

(4) Rule 165.1 shall apply to any suspension under subrule (3).

Dec2020

STATUS CHANGES

Election for Inactive Membership

68 **(1)** An election by an active member to become an inactive member

(a) shall be in a form acceptable to the Executive Director, and

(b) subject to subrule (2) is effective when the election, completed to the satisfaction of the Executive Director, is received in the Society's office in Calgary.

(2) The Executive Director may refuse to approve an election submitted under subrule (1) until the member furnishes proof, satisfactory to the Executive Director, as to the location of all of the files relating to the affairs of the clients for whom the member has provided legal services and proof that the current files are in the hands of an active member.

(3) (a) An inactive member, who has been an active member of the Society, or who has been a judge described in section 33 of the Act or an applications judge, for a period or periods totalling at least 25 years, may elect not to pay the annual membership fees and assessments otherwise payable by inactive members.

(b) On making an election under clause (3)(a), the member shall become an inactive member (retired).

(c) An election under clause (3)(a) shall be filed with the Executive Director in writing signed by the applicant.

(d) An inactive member, who has not met the required active period or periods totalling at least 25 years in (3)(a), may be granted inactive member (retired) status at the discretion of the Executive Director.

(e) An inactive member, upon reaching age 70, may elect to become an inactive member (retired).

(f) An inactive member (retired) is not entitled to receive from the Society any notices or publications other than those required to be given to inactive members by the Act or these Rules and those specified by the Benchers.

(4) An election to become an inactive member (retired) filed under subrule (3) ceases to have effect when the member notifies the Executive Director in writing of the revocation of the election.

Feb2004;Sep2016;Sep2022;May2025

Election to Resign

69 **(1)** A member who makes application to resign as a member of the Law Society of Alberta, other than an application to resign under Rule 92, (which applies to all members whose conduct has been directed to be dealt with by a Hearing Committee pursuant to section 56(3)(b) of the Act), shall do so in accordance with this Rule.

(2) The member shall submit the following documents:

(a) a written application to resign from the Society, in a form acceptable to the Executive Director, signed by the member and containing

(i) a statutory declaration of the member setting out the evidence required, and

(ii) such additional information or explanations as may be relevant or required by the Executive Director.

(b) if the member has maintained a trust account, a final Law Firm Self-Report and either a final Accountant's Report or final Electronic Data Upload for the period from the date of the member's last fiscal year end to the date that the member's trust account is closed.

(3) The Benchers may require the member to enter into undertakings and agreements with the Society.

(4) The Benchers shall review all of the material and shall take into consideration the best interests of the members of the public and the members of the Society, and may accept the resignation of the member if they determine that it is appropriate in the circumstances to allow the member to resign.

(5) The Benchers shall give directions as to the information to be entered on the roll in relation to the member's resignation.

June2003;Feb2004;Oct2021;May2025

Returning to Practising Status

69.1 Applications to return to practising status, amongst others, are governed by Part 4 of these Rules.

Feb2004

DIVISION 5
AUTHORITY TO PROVIDE LEGAL SERVICES WITHOUT MEMBERSHIP

PRACTISE PENDING ENROLMENT

Alberta Students-at-Law

69.2 Repealed October 2023.

Feb2004;Oct2023

Labour Mobility Applicants – Employment Pending Registration

70 Notwithstanding any other Rule under this Division, a labour mobility applicant who establishes an economic nexus in Alberta as set out in Rule 72.3 must not provide legal services pending approval of their application for registration under Rule 66.1.

Feb2004;Oct2023

INTERJURISDICTIONAL PRACTISE

Interpretation

71 (1) In addition to the definitions set out in Rule 47, in this subdivision, unless the context indicates otherwise,

(a) "day" means any calendar day or part of a calendar day in which a lawyer provides legal services, unless indicated otherwise by the context;

(b) "discipline" includes a finding by a governing body of any of the following:

(i) professional misconduct;

(ii) incompetence;

(iii) conduct unbecoming a lawyer;

(iv) lack of physical or mental capacity to engage in the practice of law;

(v) conduct deserving of sanction;

(vi) any other breach of a lawyer’s professional responsibilities;

(c) "disciplinary record" includes any of the following, unless reversed on appeal or review:

(i) any action taken by a governing body as a result of discipline;

(ii) disbarment;

(iii) a lawyer’s resignation or otherwise ceasing to be a member of a governing body as a result of disciplinary proceedings;

(iv) restrictions or limits on a lawyer’s entitlement to practise, other than those imposed as a result of failure to pay fees to a governing body, insolvency or bankruptcy or other administrative matter;

(v) any interim suspension or restriction or limits on a lawyer's entitlement to practise imposed pending the outcome of a disciplinary hearing;

(d) "lawyer" means a member of a governing body;

(e) "legal matter" includes any activity or transaction that constitutes the practice of law and any other activity or transaction ordinarily conducted by members in Alberta in the course of practising law, whether or not persons other than lawyers are legally capable of conducting it;

(f) "liability insurance" means compulsory professional liability errors and omissions insurance required by a governing body;

(g) "National Registry" means the National Registry of Practising Lawyers established under the National Mobility Agreement;

(h) "non-reciprocating governing body" means a governing body that is neither an NMA governing body, nor an IJP governing body, which currently includes the law societies of the Yukon Territories, the Northwest Territories and Nunavut;

(i) "permit" means an interjurisdictional practice permit issued under Rule 72.5;

(j) "resident" has the meaning respecting a province or territory that it has with respect to Canada in the *Income Tax Act* (Canada);

(k) "visiting lawyer" means a lawyer who is entitled to practise law in a Canadian jurisdiction other than Alberta.

(2) A permit is an authorization for the purposes of sections 48 and 106(2)(b) of the Act.

(3) A visiting lawyer who is allowed under this Division to practise law in Alberta without a permit is a person who is deemed to hold an authorization for the purposes of sections 48 and 106(2)(b).

June2003;Feb2004

Conditions Precedent to Any Visiting Lawyer Providing Legal Services

72 (1) All visiting lawyers must:

(a) be entitled to practise law in a home jurisdiction;

(b) subject to subrule (2), carry liability insurance that:

(i) is reasonably comparable in coverage and limits to that required under Part 7 of the Rules, and

(ii) extends to the lawyer's temporary practice in Alberta; and

(c) have defalcation compensation coverage from a governing body that extends to the lawyer's practice in Alberta.

(2) The requirement in subrule (1)(b) does not apply to a visiting lawyer who is exempt from compulsory professional liability indemnity coverage under Part 7 of the Rules with respect to legal services to be provided in Alberta.

(3) Visiting lawyers who do not meet the requirements of this Rule must not provide legal services in Alberta with or without a permit.

June2003;Jul2019

Obligations of All Visiting Lawyers Providing Legal Services

72.1 (1) The Act, the Rules and the Code of Conduct apply to and bind a visiting lawyer providing legal services, including the duty to self-report under Rule 105.

(2) A visiting lawyer shall not hold out nor allow themselves to be held out as willing or qualified to practise law in Alberta, except as a visiting lawyer.

(3) It is the responsibility of a visiting lawyer providing legal services to:

(a) record and verify the number of days they provide legal service; and

(b) prove that they have complied with these Rules.

(4) A visiting lawyer must not open or maintain a trust account in Alberta and must:

(a) promptly remit funds received in trust to the visiting lawyer's trust account in the home jurisdiction; or

(b) ensure that trust funds received are handled:

(i) by a member of the Society entitled to practise law in Alberta in a trust account controlled by that member of the Society, and

(ii) in accordance with the Act and these Rules.

(5) A visiting lawyer who receives trust money in relation to an Alberta matter pursuant to subrule (4)(a) must advise the client that:

(a) the lawyer is receiving the trust money as a lawyer called in the province of the lawyer's home jurisdiction; and

(b) the trust money will be deposited in a bank account in the lawyer's home jurisdiction.

June2003;Nov2010;Oct2023

Visiting Without a Permit – Permission and Additional Requirements

72.2 (1) In addition to the requirements of Rule 72, to qualify to provide legal services without a permit, a visiting lawyer:

(a) must not be subject to conditions or restrictions on the lawyer's practice or membership of the governing body in any jurisdiction imposed as a result of or in connection with proceedings related to discipline, competency, capacity, admission or reinstatement;

(b) must not be the subject of

(i) criminal proceedings, or

(ii) disciplinary proceedings in which a matter has been directed to a hearing

in any jurisdiction;

(c) must have no disciplinary record in any jurisdiction;

(d) must comply with Rule 72.3; and

(e) must be entitled to practise law in the jurisdiction of an IJP governing body or an NMA governing body of which the visiting lawyer is a member.

(2) Subject to the requirements of Rules 72 and 72.1, and subrule (1), a visiting lawyer may provide legal services without a permit:

(a) for no more than ten legal matters and not more than 20 days in total during any twelve month period if the visiting lawyer is entitled to practise law in the jurisdiction of an IJP governing body of which the visiting lawyer is a member; or

(b) for a maximum of 100 days in any calendar year if the visiting lawyer is entitled to practise law in the jurisdiction of an NMA governing body of which the visiting lawyer is a member.

(3) A visiting lawyer who qualifies under subrule (2) but, due to a change in circumstances while providing legal services under the authority of subrule (2) or (4), no longer meets the requirements of subrule (1), must stop providing legal services without a permit and may apply for a permit under Rule 72.5.

(4) On application of a visiting lawyer who otherwise qualifies under subrule (2), the Executive Director may allow the visiting lawyer to provide legal services without a permit beyond the limits set in subrule (2).

(5) Visiting lawyers practising law as counsel in proceedings in

(a) the Supreme Court of Canada,

(b) the Federal Court of Canada,

(c) the Tax Court of Canada,

(d) a federal administrative tribunal,

(e) service tribunals as defined in the *National Defence Act*, and

(f) the Court Martial Appeal Court of Canada,

may, subject to disqualification for economic nexus under Rule 72.3, practise without a permit, regardless of the number of days involved in relation to those proceedings.

(6) A visiting lawyer practising under subrule (5):

(a) must comply with the liability insurance and defalcation coverage requirements of the home governing body; and

(b) is subject to all of the Rules that apply to other visiting lawyers practising in Alberta without a permit, with the exception of:

(i) clauses 72(1)(b) and (c),

(ii) clause 72.1(3)(a),

(iii) clauses 72.2(1)(a), (b), (c), and (e),

(iv) subrule 72.2(2), and

(v) clause 72.3(2)(a).

(7) If a non-practising member or a retired member qualifies to practise law in Alberta as a visiting lawyer without a permit under this Rule, the member is released from the undertaking not to practise law, but only for the purpose of practise allowed under this Rule.

(8) (a) Notwithstanding this Division, lawyers employed by and providing legal services exclusively to the Government of Canada, who

(i) provide advisory, policy or legislative services, or

(ii) appear before courts or tribunals but only while on temporary assignment or secondment,

may provide legal services without a permit and do not establish an economic nexus under Rule 72.3.

(b) Lawyers providing legal services pursuant to clause (a), must be entitled to practise law in a home jurisdiction in which they are a member of the governing body.

June2003;Oct2023;Nov2024

Visiting Without a Permit – Economic Nexus Disqualification

72.3 (1) A visiting lawyer who has established an economic nexus with Alberta must immediately cease providing legal services, but may apply under Rule 66.1 to be registered as a member.

(2) For the purposes of this Rule, an economic nexus is established by actions inconsistent with a temporary basis for providing legal services, including but not limited to doing any of the following in Alberta:

(a) providing legal services beyond those permitted by Rule 72.2(2) or (4);

(b) opening an office from which legal services are offered or provided to the public;

(c) becoming a resident;

(d) opening or operating a trust account, or accepting trust funds, except as permitted under Rule 72.1(4);

(e) holding oneself out or allowing oneself to be held out as willing or qualified to practise law in Alberta, except as a visiting lawyer.

(3) A visiting lawyer who provides legal services in or from an office that

(a) is the office of one or more resident members of the Society, and

(b) is affiliated with the lawyer's law firm in their home jurisdiction

does not, for that reason alone, establish an economic nexus with Alberta.

June2003;Nov2004;Oct2023

Circumstances that Require a Permit

72.4 (1) A visiting lawyer who does not meet the requirements of subrules 72.2(1) and (3) must obtain a permit in order to provide legal services in Alberta.

(2) In order to provide legal services in Alberta beyond the limits set out in Rule 72.2(2), a visiting lawyer must obtain the approval of the Executive Director under Rule 72.2(4) or obtain a permit.

June2003;Oct2023

Permit Application

72.5 **(1)** A visiting lawyer applying for a permit or renewal of a permit shall deliver to the Executive Director:

(a) a completed permit application in a form acceptable to the Executive Director, including a written consent for the release of relevant information to the Society;

(b) any prescribed fees;

(c) certificates of standing issued by each governing body of which the visiting lawyer is a member, dated not more than 30 calendar days before the date of the application and in a form acceptable to the Executive Director;

(d) proof of professional liability insurance that:

(i) is reasonably comparable in coverage and amount to the indemnity coverage required of members of the Society, and

(ii) extends to the visiting lawyer's practice in Alberta; and

(e) proof that the visiting lawyer has defalcation coverage from a governing body that extends to the visiting lawyer's practice in Alberta.

(2) Upon receipt of the visiting lawyer's material in subrule (1), the Executive Director may:

(a) issue or renew a permit, subject to any conditions and restrictions that the Executive Director considers appropriate; or

(b) refuse to issue or renew a permit.

(3) The visiting lawyer may appeal to the Committee the Executive Director's decision to:

(a) refuse to issue or renew a permit; or

(b) impose any conditions or restrictions under subrule (2).

(4) The Committee hearing an appeal may:

(a) confirm the Executive Director's decision and dismiss the appeal, or

(b) allow the appeal and direct the Executive Director to:

(i) issue or renew the permit, or

(ii) remove or vary the conditions or restrictions,

as the case may be.

(5) If the visiting lawyer's appeal is dismissed under subrule (4), the Committee shall, at the written request of the visiting lawyer, give written reasons for the decision.

(6) A permit issued or renewed under this Rule:

(a) is effective until one year from the date it was issued, and

(b) allows a visiting lawyer to provide legal services for not more than 100 days in that year,

subject to any conditions or restrictions imposed under this Rule, and subject to Rule 72.6.

(7) If a permit is issued under this Rule to a non-practising member or a retired member, the member is released from the undertaking not to practise law, but only for the purpose allowed by the permit.

(8) Before expiry of a permit under subrule (6), the holder of the permit may apply for its renewal.

June2003;Jul2019;Oct2023

Automatic Revocation of Permission to Practise

72.6 A visiting lawyer, with or without a permit, automatically ceases to be able to provide legal services if the visiting lawyer:

(a) fails to meet the requirements of Rule 72;

(b) is suspended or disbarred by any extraprovincial law society;

(c) is no longer in good standing with any home governing body;

(d) fails to meet or satisfy any other condition, limitation or requirement imposed on the visiting lawyer under this Division; or

(e) would be automatically suspended under section 83(7) of the Act if the visiting lawyer were a member of the Society.

June2003;Oct2023

Enforcement - Visiting Lawyers Practising in Alberta

73 (1) The Act, these Rules, and the Code of Conduct apply to and bind a visiting lawyer practising law in Alberta and, without limiting the foregoing, a visiting lawyer may be disciplined by the Society if the visiting lawyer:

(a) wilfully contravenes any of the conditions under which the visiting lawyer has been allowed to practise law in Alberta; or

(b) is guilty of any conduct in Alberta that, if committed by a member, would be conduct deserving of sanction under the Act.

(2) The provisions of the Act and these Rules dealing with discipline shall apply to the visiting lawyer as though the visiting lawyer were a member and with all other necessary changes in reference.

(3) Without limiting the generality of subrule (2),

(a) an order of suspension will prevent the visiting lawyer from practising law in Alberta during the period of suspension; and

(b) an order of disbarment will prevent the visiting lawyer from practising law in Alberta.

(4) The Executive Director may require a visiting lawyer to:

(a) account for and verify the number of days spent providing legal services; and

(b) verify compliance with any Rules specified by the Executive Director.

(5) If a visiting lawyer fails or refuses to comply with a request made by the Executive Director under subrule (4) within 20 calendar days, or such longer time that the Executive Director has granted in writing:

(a) any permit issued to the visiting lawyer under Rule 72.5 is rescinded;

(b) the visiting lawyer is prohibited from providing legal services without a permit; and

(c) the Executive Director shall advise the visiting lawyer's home governing body of the visiting lawyer's failure to comply and the consequences.

(6) A visiting lawyer who is affected by subrule (5) may apply to the Committee for restoration of any or all rights lost under that subrule and the Committee may, in its discretion, grant the application, subject to any conditions it considers to be in the public interest.

June2003;Dec2011;Oct2023

Enforcement – Alberta Lawyers Visiting Elsewhere

73.1 (1) A member who practises law in another Canadian jurisdiction shall comply with the applicable legislation, regulations, Rules and the Code of Conduct of that jurisdiction.

(2) A fine or costs imposed on a member of the Society by an IJP governing body may be enforced by the Society in accordance with paragraph 7(i) of the IJP, which provides for disciplinary proceedings against a member who fails to pay a fine or costs required to be paid to a host governing body arising out of that member's inter-provincial practice, including any penalty which the home governing body (Alberta) considers appropriate.

June2003;Dec2011

Enforcement - General

73.2 (1) If there is an allegation of misconduct against a member of the Society while practising temporarily in the jurisdiction of an NMA governing body, under provisions equivalent to Rule 72.2 or 72.5, the Society may:

(a) consult with the governing body concerned respecting the manner in which disciplinary proceedings will be conducted; and

(b) assume responsibility or agree to allow the other governing body concerned to assume responsibility for the conduct of disciplinary proceedings including the expenses of the proceedings.

(2) If there is an allegation of misconduct against a visiting lawyer while practising temporarily under Rule 72.2 or 72.5, and the visiting lawyer is not a member of an NMA governing body but is a member of an IJP governing body:

(a) the Society shall assume responsibility for the conduct of the disciplinary proceedings against the lawyer, including the cost of those proceedings, unless the Society and the home governing body agree to the contrary; and

(b) the Society and the home governing body will consult respecting the manner in which the disciplinary proceedings will be taken against the lawyer, each agreeing to be bound by an agreement reached.

(3) In deciding whether to agree under clause (1)(b) or subrule (2), the primary considerations will be the public interest, convenience and cost.

(4) Notwithstanding Rule 45, on the request of a governing body that is investigating the conduct of, or has initiated a disciplinary proceeding against, a member or former member of the Society, a student-at-law or former student-at-law of the Society, or a visiting lawyer who has provided legal services, to the extent that is reasonable in the circumstances, the Executive Director must:

(a) provide all relevant information and documentation respecting the lawyer or the visiting lawyer as is reasonable in the circumstances; and

(b) cooperate fully in the investigation and any citation and hearing.

(5) Subrule (4) applies whether or not the Society agrees with a governing body under clause (1)(b) or subrule (2).

(6) Notwithstanding Rule 45, the Executive Director must provide to the National Registry the current and accurate information about members, former members and visiting lawyers required under the National Mobility Agreement.

(7) No one may use or disclose information obtained from the National Registry except for a purpose related to enforcement of the Act and these Rules.

(8) A duly certified copy of a disciplinary decision of another governing body concerning a lawyer found guilty of misconduct is proof of the lawyer's guilt.

June2003;Oct2023

Dispute Resolution

73.3 (1) The provisions of the IJP concerning claims for compensation for misappropriation apply to a claim under section 89 of the Act involving inter-jurisdictional practice.

(2) If a dispute arises with a governing body concerning any matter under the IJP or the National Mobility Agreement, the Committee may do one or both of the following:

(a) agree with a governing body to refer the matter to a single mediator;

(b) submit the dispute to arbitration under Appendix 5 of the IJP.

June2003;Oct2023

FOREIGN LEGAL CONSULTANTS

Interpretation

74 In this Division,

(a) "Foreign legal consultant" means a person who provides legal advice to others respecting the laws of a foreign country or a political division of a foreign country and who is not a member of the Society;

(b) "Licence" means a licence issued pursuant to Rule 76 or a renewed licence issued pursuant to Rule 79(6);

(c) "Licensed foreign legal consultant" or "licensee" means a person who holds a subsisting licence to carry on the practice of a foreign legal consultant;

(d) A reference to "a member with foreign legal qualifications" in relation to a foreign country or a political subdivision of a foreign country means a member of the Society who is authorized to practise law in that foreign country or political subdivision by reason of membership in an extraprovincial law society in that country or political subdivision or otherwise;

(e) "Practise as a foreign legal consultant" means to carry on a practice as a legal advisor with respect to the laws of a foreign country or of a political subdivision of a foreign country, and "the practice of a foreign legal consultant" has a corresponding meaning.

Application for Licence

75 **(1)** An application for a licence to practise as a foreign legal consultant may only be made by a person who is authorized to practise law in that country or in a political subdivision of that country.

(2) An application for a licence shall be furnished to the Executive Director and shall be in a form approved by the Executive Director.

(3) An application for a licence shall contain or be accompanied by

(a) proof that the applicant is a member in good standing of the legal profession in the foreign country where the applicant is authorized to practise law or in one of its political subdivisions;

(b) a declaration that the applicant, if they have not been actively engaged in the practice of law in the foreign country or political subdivision for at least 3 years, will practise as a foreign legal consultant, while licensed, only under the direct supervision of

(i) a licensed foreign legal consultant whose licence relates to the same country or political subdivision, or

(ii) a member with foreign legal qualifications who is authorized to practise law in the same country or political subdivision,

and who has been actively engaged in the practice of law in that foreign country or political subdivision for at least 3 years;

(c) a declaration that the applicant, while licensed,

(i) will not, in his or her capacity as a foreign legal consultant, accept, hold, transfer or in any other manner deal with money or property which would, if accepted, held, transferred or dealt with by a member, constitute trust money as defined in rule 119(aa) or trust property as defined in rule 119(bb);

(ii) will submit to the jurisdiction of the Society and will comply with and be bound by the Act, the Rules and any code of conduct;

(iii) will comply with any further conditions which may be imposed on the licensee or attached to the licence;

(iv) will notify the Executive Director promptly if the applicant fails to complete satisfactorily whatever continuing legal education program is required of members of the legal profession of the applicant's foreign country or political subdivision, and

(v) will maintain the insurance, bonds, indemnity or other security described in clauses (e) and (f);

(d) proof, through a certificate of insurance or similar, that the applicant has professional liability insurance or a bond, indemnity or other security

(i) in a form and amount which is reasonably comparable with the indemnity coverage required for active members under the Society's indemnity program under Part 5 of the Act, and

(ii) which specifically extends to services rendered by the applicant while licensed and carrying on in Alberta the practice of a foreign legal consultant;

(e) proof, through a certificate of coverage or similar, that the applicant has a fidelity bond or other security satisfactory to the Executive Director and in an amount of at least $1,000,000.00, for the purpose of reimbursing persons who sustain a pecuniary loss as a result of the misappropriation or wrongful conversion by the applicant of money or other property entrusted to or received by the applicant in the course of practising as a foreign legal consultant in Alberta;

(f) supporting documentation to provide proof of exceptional circumstances where any request is made of the Executive Director for a reduction in the required amounts noted in clauses (e) and (f); and

(g) the prescribed application fee and licence fee.

Nov2010;Jul2019;Dec2020;Oct2021;Jan2022;Oct2023;May2025,Aug2026

Issuance of Licence

76 **(1)** The Executive Director may

(a) issue a licence to an applicant eligible for a licence under Rule 75(1) and whose application otherwise complies with Rule 75, or

(b) attach conditions to a licence; or

(c) refer the application to the Credentials and Education Committee.

(2) On referral of the application by the Executive Director, the Credentials and Education Committee may,

(a) issue a licence to an applicant eligible for a licence under Rule 75(1);

(b) prescribe conditions that may be contained in a licence; or

(c) refuse the application.

(3) A licence, when issued, shall authorize the licensee to carry on, in Alberta, the practice of a foreign legal consultant.

(4) A licence shall expire on March 15 following the date on which it is issued, unless the licence is earlier renewed.

Authorized Services

77 **(1)** For the purposes of section 106(2)(m) of the Act, a licensed foreign legal consultant is permitted to carry on in Alberta the practice of a foreign legal consultant, but only with respect to the laws of the foreign country or the political subdivision of a foreign country specified in the licensee's licence, and subject to these Rules and the conditions imposed by the licence.

(2) Notwithstanding anything in these Rules, a licensed foreign legal consultant shall not, in Alberta, provide legal advice of any kind that the licensee would not be qualified or permitted to provide under the laws of the foreign country or political subdivision in which the licensee is authorized to practise law, if the advice were given by the licensee in the course of practising as a member of the legal profession in that foreign country or political subdivision.

Use of Title and Advertising of Services

78 **(1)** No person, other than a licensee or a member with foreign legal qualifications, shall

(a) use the title "foreign legal consultant" or any similar title or designation, and/or

(b) use any title, designation, description, abbreviation, letter or symbol, alone or in combination, that represents or implies that the person is qualified to carry on in Alberta the practice of a foreign legal consultant.

(2) A licensed foreign legal consultant, when engaging in advertising or any other form of marketing activity in Alberta,

(a) shall use only the designation "licensed foreign legal consultant",

(b) shall state the foreign country or political subdivision in respect of whose laws the consultant is qualified to give legal advice, and the professional title used in that country or political subdivision, and

(c) shall not use any designation or make any representation from which a person dealing with the consultant might reasonably conclude that the consultant is a member of the Society.

Annual Licence Fees and Filings

79 **(1)** The Executive Director shall, at least 30 days prior to the membership period in each year, post electronically to each licensee’s online Law Society account a notice

(a) setting out the annual fee payable by the licensee for that year, and

(b) requiring the licensee to file with the Executive Director, not later than March 15 of that year, confirmation in a form acceptable to the Executive Director that the licensee continues to comply with the requirements described in Rule 75(3) (a), (c)(i), (c)(iii), (d) and (e).

(2) The notice in subrule (1)(a) will show:

(a) the amount payable;

(b) the payment due date; and

(c) any payment instalment information.

(3) The Executive Director may suspend a licence if

(a) the annual fee payable by the licensee under subrule (1)(a), or

(b) the confirmation required to be filed under subrule (1)(b) is not received by the Society before the due date.

(4) The Executive Director shall immediately notify the licensee of a suspension.

(5) The suspension of a licence under subrule (3) terminates when the Society has received

(a) the total amount of the annual fee for the year or the confirmation referred to in subrule (1)(b), or both, as the case may be,

(b) the prescribed transaction fee, which may be waived by the Executive Director in appropriate circumstances, and

(c) any other debts owing to the Society.

(6) A licensee's liability to the Society for a renewed annual fee arises on

(a) the date provided in the notice posted under subrule (1) of the year for which the fee is imposed, or

(b) if on the date provided in the notice posted under subrule (1) the licence of the licensee is under suspension, the liability for the fee arises on the date on which the suspension ends.

(7) The Executive Director shall issue a renewed licence to a licensee when the licensee

(a) has paid the renewed licence fee and any required transaction fee and any other debts owing to the Society, and

(b) has filed the confirmation referred to in subrule (1)(b).

(8) Notwithstanding subrule (5), if a licence is under suspension pursuant to subrule (3) for a period of more than 90 days, the Executive Director may cancel the licence.

Feb2016;Dec2020;May2025

Cancellation or Suspension of Licence

80 (1) Subject to subrule (2), the Benchers may order the cancellation or suspension of a licence if the licensee

(a) is guilty of conduct deserving of sanction,

(b) is convicted of an indictable offence, or

(c) is the subject of disciplinary proceedings in the foreign country or political subdivision specified in the licence, if the proceedings could result in the suspension or termination of the licensee's right to practise law in that country or political subdivision.

(2) For the purpose of subrule (1)(a), a contravention of any condition of the licensee's licence or of any undertaking given to the Executive Director under these Rules may be considered as conduct deserving of sanction.

(3) For the purposes of applying subrule (1)(a) to a licensee, sections 49 to 82 and 85 and 86 of the Act apply with the necessary changes to the licensee as though

(a) references in those sections to a member were references to the licensee,

(b) references in those sections to the membership of a member were references to the licensee's licence, and

(c) references in those sections to disbarment were references to the cancellation of the licensee's licence.

(4) For the purposes of applying subrule (1)(b) to a licensee, sections 50, 52, 83, 85 and 86 of the Act apply, with the necessary changes, to the licensee as though

(a) references in those sections to a member were references to the licensee,

(b) references in those sections to the membership of a member were references to the licensee's licence, and

(c) references in those sections to disbarment were references to cancellation of the licensee's licence.

(5) For the purpose of applying subrule (1)(c) to a licensee, sections 50, 52, 84, 85 and 86 of the Act apply, with the necessary changes, to the licensee as though

(a) references in those sections to a member were references to the licensee,

(b) references in those sections to the membership of a member were references to the licensee's licence, and

(c) references in those sections to disbarment were references to cancellation of the licensee's licence.

UNIVERSITY LAW STUDENTS

University Law Students

81 (1) For the purposes of section 106(2)(e) of the Act,

(a) a student enrolled in the faculty of law of a university in Alberta is permitted to provide legal services

(i) in the student's capacity as a member of a student legal services society, if the services are provided under the auspices of that society and under the supervision of an active member, or

(ii) in a course of practical instruction approved by the faculty, if the services are provided under the supervision of an active member;

(b) a student enrolled in the faculty of law of a university in Canada is permitted to provide legal services if the services are provided by the student

(i) as an employee of a society that provides legal services to indigent persons, and

(ii) under the supervision of an active member.

(2) Notwithstanding subrule (1), the Benchers may direct in a particular case that any services referred to in subrule (1)(a)(i) or (ii) or (b) may be provided under the supervision of an inactive member instead of an active member, subject to any conditions prescribed by the Benchers.

PART 3
CONDUCT OF MEMBERS

Delegation to Vice-chair

82 A power or duty conferred or imposed by this Part of the Rules or Part 3 of the Act on the chair of the Conduct Committee may be exercised or performed by a vice-chair of the Conduct Committee.

Methods of Service

83 **(1)** In this Rule,

"document" means a document in connection with:

(a) a pre-hearing conference for a proceeding under Part 3 of the Act, including a notice of a pre-hearing conference or a record of a pre-hearing conference proceeding or decision,

(b) a hearing under Part 3 of the Act, (other than an appeal to the Court of Appeal) including a notice of hearing or the decision of a hearing committee or a Bencher appeal panel,

(c) any other proceeding under Part 3 of the Act, or any proceeding to terminate the membership of a member, or

(d) any notice required to be delivered under Part 3 of the Act or Part 3 of the Rules.

"electronic" and "electronic agent" have the same meanings as they have in the *Electronic Transactions Act*.

"service", in relation to any document, includes giving or furnishing the document.

(2) Where the service of the document cannot be effected by any method of service described in section 114(a) or (b) of the Act or in the Rules, or there is reason to believe that service of the document pursuant to section 114(b) of the Act or the Rules might be ineffectual because the person sought to be served no longer has any connection with the address for delivery referred to in the Rules, service of the document may be effected in accordance with subrule (3).

(3) The chair of the Conduct Committee or a chair of a pre-hearing conference may authorize any method of service considered reasonable in the known circumstances, including

(a) Service of a notice pursuant to this rule may be effected by publication in which case the notice

(i) shall be addressed to the person to be served,

(ii) shall contain such information as directed by the chair, and

(iii) shall be published at such time as the chair may direct.

(b) Service of a notice pursuant to this rule may be effected by an electronic method where the person to be served has utilized communication by the same method to the Law Society in connection with the same proceeding and has not notified the Law Society that the addressee no longer subscribes to the information system which he or she utilized to communicate with the Law Society, in which case the notice

(i) shall be addressed to the person to be served,

(ii) shall contain such information as directed by the chair,

(iii) shall be transmitted at such time as the chair may direct, and

(iv) shall be sent to the information system that had been utilized by the person to be served to communicate with the Law Society.

(c) Service of a notice pursuant to this rule may be effected by any other method of service authorized by the chair of the Conduct Committee or a chair of the pre-hearing conference, subject in such case to the prior approval of the chair and to any instructions given by the chair in respect of the service of the document by that other method.

(4) Service of a notice, or any other document, other than a document where service is mandatory under the Act, may be dispensed with by the chair if service under this rule or Rule 43 cannot or could not be effected within a reasonable time.

Dec2014

Waiver or Variation of Rules

84 Notwithstanding Rule 3, the Conduct Committee may waive or vary any requirement in this Part if the Committee considers the waiver or variation warranted by reason of special circumstances.

PROCEEDINGS RESPECTING CONDUCT DESERVING OF SANCTION

Review by the Executive Director

85 (1) In this rule,

(a) "Conduct Process" means the review process used where the alleged conduct of a member that comes to the attention of the Society appears to the Executive Director to be conduct that, if proven, would be conduct deserving of sanction.

(b) "Resolution and Early Intervention Process" means the review process used where the alleged conduct of a member that comes to the attention of the Society appears to the Executive Director to be conduct that, if proven, would not be conduct deserving of sanction but raises the possibility of intervention. Intervention includes working with the member to improve practice or service delivery or providing supports or guidance to benefit the member and his or her practice.

(c) "Summary Dismissal" means a dismissal under section 53(4)(a) of the Act that occurs where one or more criteria, set out in subrule (6), are met and the Executive Director does not require a response from the member in order to direct the dismissal of a matter.

(2) Any conduct of a member that comes to the attention of the Society, whether by way of a complaint or otherwise, shall be reviewed in accordance with section 53 of the Act and the Rules.

(3) The powers and duties of the Executive Director under section 53 of the Act and rule 85 are delegated to lawyers employed or contracted by the Society to review the conduct of members and shall be exercised in circumstances in which it is not reasonably practicable for the Executive Director to discharge those powers and duties.

(4) When information about the conduct of a member comes to the attention of the Executive Director, the Executive Director, in his or her sole discretion, may determine at any time during the review that no further review will be taken respecting

(a) a particular complaint, if one or more of the following circumstances apply:

(i) the information is a repetition of, or substantially the same as, one or more previous or current complaints; or

(ii) the complainant has no connection to the matter or does not have direct knowledge of information that would assist in the review of the conduct; or

(b) any complaint, if one or more of the following circumstances apply:

(i) the information or complaint falls outside the Society's jurisdiction;

(ii) the information or complaint is premature;

(iii) the complaint is about Society or other regulatory processes; or

(iv) the information or complaint should be dealt with in a different forum or under another Act

(4.1) The Executive Director must notify any person who provided information pursuant to subrule (4) as follows:

(a) for determinations under Rule 85(4)(a), that no further review will be taken respecting a particular complaint, but that the determination does not prevent the Society from taking further regulatory action; or

(b) for a determination under Rule 85(4)(b), that no further review will be taken respecting that particular complaint or at all.

(4.2) A determination by the Executive Director to take no further review under Rule 85(4) is final and there is no appeal from that determination.

(5) When conducting a review under section 53 of the Act, the Executive Director, in his or her sole discretion, will determine whether to review a complaint in accordance with the Resolution and Early Intervention Process or the Conduct Process. The Executive Director may, at any time, decide to change from one process to the other when conducting a review based on information discovered while conducting the review.

(6) Upon completion of a review under section 53 of the Act, the Executive Director may direct the Summary Dismissal of a matter when one or more of the following criteria are met:

(a) the complaint alleges a technical breach of the Act, the Rules or the Code of Conduct, but has no substantive consequence;

(b) the complaint is of insufficient regulatory concern, including an allegation that a member breached a duty or obligation that does not apply to them in the circumstances or at all;

(c) the complaint lacks substance or a factual basis;

(d) there has been significant delay in bringing the complaint forward; or

(e) any other criteria the Executive Director considers relevant.

(7) A member who is the subject of a complaint shall

(a) cooperate fully with the Society in a review conducted under section 53 of the Act;

(b) respond fully and substantively to any request to answer any inquiries or to furnish any records; and

(c) respond within any timeline or in accordance with any deadline established by the Society.

(8) If the complaint or information that otherwise comes to the attention of the Society in subrule (2) is not in writing, the Executive Director shall, as determined by the Executive Director in his or her sole discretion,

(a) obtain the complaint in writing from the complainant; or

(b) prepare a memorandum summarizing the complaint or other information.

(9) The Executive Director shall provide the member with a copy of the complaint or memorandum as set out in subrule (8), though the Executive Director may, in his or her sole discretion,

(a) withhold the identity of a complainant or the source of the complaint or other information in subrule (2); or

(b) postpone providing the member with a copy of the complaint or memorandum.

(10) If the Executive Director requires the complainant or the member to answer any inquiries or to furnish any records pursuant to section 53(3)(a) of the Act, the Executive Director shall direct the individual from whom the information is required to do so in whatever format the Executive Director considers appropriate.

(11) Upon receiving a response pursuant to a request under subrule (10), the Executive Director may, in his or her sole discretion, deliver to the complainant or to the member, at any time during the review process:

(a) a full or partial copy of the response; or

(b) a summary of the response.

(12) If the Executive Director refers a matter to the Conduct Committee pursuant to section 53(4)(b) of the Act, the Executive Director shall notify the complainant, if any, and the member concerned of the referral.

(13) If the Executive Director dismisses or summarily dismisses a matter pursuant to section 53(4)(a) of the Act, the Executive Director:

(a) shall send the member:

(i) written notice of the dismissal, and

(ii) a copy of any reasons given;

(b) may send the member

(i) reminders of the member's obligations under the Act, these Rules and the Code of Conduct, if any,

(ii) guidance and referrals to educational resources, if any,

(iii) recommendations for practice or service improvements, if any, and

(iv) a request to provide undertakings, if any; and

(c) shall send the complainant, if any:

(i) written notice of the dismissal,

(ii) a copy of any reasons given,

(iii) instructions on how to appeal the dismissal, and

(iv) the deadline for submitting an appeal.

(14) If the Executive Director dismisses a matter pursuant to section 53(1.1) of the Act, the Executive Director shall send the member and the complainant written notice of the dismissal.

Jun2015;Nov2018;Sep2019;Oct2026

Appeal of Complaint Dismissal

86 (1) An appeal of a dismissal of a matter pursuant to section 53(4)(a) of the Act must be:

(a) in a form acceptable to the Executive Director; and

(b) made within 30 days after the date the written notice of the dismissal is deemed to have been received by the complainant.

(2) The Tribunal Office may extend the time under clause (1)(b) in appropriate circumstances.

(3) After receiving an appeal under subrule (1), the Tribunal Office will provide to the member:

(a) notice that an appeal has been received;

(b) a copy of the complainant's appeal form; and

(c) notice that a reply can be sent within 30 days in a form acceptable to the Executive Director.

(4) The Tribunal Office may extend the time under clause (3)(c) in appropriate circumstances.

(5) The Appeal Committee may sit in panels of one or three members appointed by the Chair of the Appeal Committee for the purpose of hearing appeals under this Rule.

(6) When a three-member panel is appointed, one member of each panel shall be designated by the Chair of the Appeal Committee as the Chair of the panel.

(7) All members of a panel of the Appeal Committee constitute a quorum at a meeting or hearing of the panel.

(8) An appeal under this rule proceeds on the basis of written materials unless the Appeal Committee panel determines that exceptional circumstances warrant an oral hearing or oral submissions.

(9) The Appeal Committee panel shall determine if the dismissal of a complaint was reasonable by reviewing:

(a) the written record considered when the complaint was dismissed pursuant to section 53 of the Act;

(b) the appeal form and any reply to the appeal form submitted under this rule; and

(c) any new evidence, if it is relevant and material and was not reasonably available prior to the dismissal of a complaint.

(10) The member and the complainant will be provided a copy of any Appeal Committee panel decision.

Jun2015;Jun2016;Nov2018;Apr2021;Oct2025

Investigations

87 (1) Subject to subrule (2), a person conducting an investigation shall, when giving a direction to a member under section 55(2) of the Act or when requesting any other person to do anything the person could be ordered to do under section 55(3)(b) or (c) of the Act,

(a) notify the member or other person that the direction or request is made as part of an investigation under Part 3 of the Act,

(b) give the member or other person a reasonable time to comply with the direction or request in the circumstances, and

(c) produce a copy of the letter setting out the investigator's authority to conduct the investigation, if requested by the member or other person.

(2) If there are exigent circumstances, the investigator may give a direction under section 55(2) of the Act without advance notice.

Nov2018

Section 53 Reviews by Independent Counsel

The Office of Independent Counsel

87.1 (1) The Office of Independent Counsel is established.

(2) The President of the Society, on the recommendation of the Executive Director, will appoint Independent Counsel as the holders of the Office of Independent Counsel.

(3) Independent Counsel:

(a) will be lawyers authorized to practice in a jurisdiction in Canada;

(b) will not be:

(i) current staff of the Society or former staff of the Society for two years from the date of ceasing employment with the Society,

(ii) current Benchers or Benchers Elect of the Society or past Benchers of the Society in accordance with the time frame set out in Rule 23.1, or

(iii) current members of Society committees or former members of Society committees in accordance with the time frame set out in Rule 23.1;

and

(c) will hold office for a term not exceeding three years and are eligible for reappointment.

(4) The President may revoke the appointment of Independent Counsel at any time, unless the President is the subject of a review by Independent Counsel, in which case revocation of that Independent Counsel's appointment can only be considered and executed by the Executive Director.

Nov2004;Nov2015

Review by Independent Counsel

87.2 (1) A review under section 53 of the Act may be referred and assigned to Independent Counsel:

(a) by the Executive Director

(i) where the member who is the subject of a review is an agent or Bencher of the Society, or a staff member of the Society other than the Executive Director, or

(ii) if the Executive Director is of the view that it is not appropriate that he or she conduct a review under section 53 of the Act;

(b) by the President of the Society where the Executive Director is the subject of a review.

(2) The powers and duties of the Executive Director under Part 3 of the Act and Part 3 of these Rules will be delegated to the Independent Counsel for the sole purpose of conducting reviews under subrule 87.2(1).

(3) The powers and duties delegated to the Independent Counsel dissolve upon:

(a) completion of the term of the appointment of Independent Counsel, or

(b) revocation of the appointment of Independent Counsel under subrule 87.1(4).

Nov2015

Investigation

87.3 If an investigation is ordered pursuant to section 55 of the Act regarding a matter being reviewed pursuant to rule 87.2, it will be conducted by an investigator who is not a current staff of the Society.

Nov2015

Review by the Conduct Committee

88 (1) The Conduct Committee may sit in panels of three members each for the purposes of

(a) conducting reviews under section 56 of the Act, and

(b) making decisions on other matters under this Part or Part 3 of the Act.

(1.1) Panels will be appointed by the Chair or Vice-Chair of the Conduct Committee.

(2) All three members of a panel of the Conduct Committee constitute a quorum at a meeting of the panel.

(3) If the Conduct Committee requires the member concerned or the complainant to answer any inquiries or produce records pursuant to section 56(2)(a) of the Act, the presiding member of the panel or lawyer employed or contracted by the Society to review the conduct of members shall notify the member or complainant of the requirement.

(4) The Conduct Committee shall make its decision under section 56(3) of the Act on the basis of

(a) the report to the Conduct Committee outlining the review undertaken pursuant to section 53 of the Act, whether written or orally presented to the Conduct Committee by the Executive Director,

(b) the answers to its inquiries and any records it received pursuant to section 56(2)(a) of the Act,

(c) the report of any investigation it directed pursuant to section 56(2)(b) of the Act, and

(d) the answers to its inquiries of the Executive Director with respect to any of the above.

(4.1) The Conduct Committee shall make its decision under section 56(3) of the Act on a matter referred by the Appeal Committee pursuant to section 54 on the basis of

(a) the materials that were before the Appeal Committee,

(b) the transcript, if any, of the proceedings before the Appeal Committee,

(c) the written reasons for the decision of the Appeal Committee, and

(d) any additional materials received subsequent to the Appeal Committee's decision as part of the Conduct Committee's review.

(4.2) In deciding whether to direct that the matter be dismissed or that the conduct be dealt with by a Hearing Committee pursuant to section 56(3) of the Act, the Conduct Committee shall apply the Threshold Test:

(a) is there a reasonable prospect that a Hearing Committee would find the member committed the alleged conduct, and

(b) if so, is there a reasonable prospect that a Hearing Committee would find the conduct deserving of sanction.

(5) When the Conduct Committee makes a decision under section 56(3) of the Act, the complainant and the member concerned shall be:

(a) informed of the Conduct Committee's decision, and

(b) when the decision is to dismiss the complaint, provided with a written explanation for the dismissal.

(6) (a) If the Conduct Committee determines that the Threshold Test in subrule (4.2) is met, but further investigation is warranted, the Conduct Committee may, through its authority to direct an investigation under section 56 or 58(7) of the Act, direct that one or more Benchers carry out a review of, and informal inquiry into, the practice of the member and give advice and directions respecting the member's practice (a "Mandatory Conduct Advisory").

(b) The Bencher(s) appointed to conduct the Mandatory Conduct Advisory may, without disclosing the name or any other information that might identify the member concerned, seek advice in conducting the Mandatory Conduct Advisory from a practitioner knowledgeable in the area of law involved in the conduct in question.

(c) The Bencher(s) who carried out the Mandatory Conduct Advisory under clause (a):

(i) shall deliver a report respecting the Mandatory Conduct Advisory to the Conduct Committee, and,

(ii) shall not participate in any Panel discussions pertaining to that report.

(d) The Conduct Committee shall consider the report under clause (c)(i) before it makes its decision under section 56(3) or 58(7) of the Act with respect to the conduct of the member concerned.

(7) (a) If the Conduct Committee determines that the Threshold Test in subrule (4.2) is met but

(i) further investigation is not warranted, and

(ii) the public interest may be served without a referral to a Hearing Committee,

the Conduct Committee may, through its authority to dismiss a complaint under section 56(3)(a), dismiss the complaint and issue a written caution to the member (a "Letter of Caution").

(b) A Letter of Caution:

(i) addresses how the member's conduct has breached any of their professional obligations under the Act, the Rules or the Code of Conduct; and

(ii) provides recommendations on how the member can meet those professional obligations in the future.

Nov2004;Oct2008;Nov2010;Nov2018;Dec2019;Nov2024;May2026

Re-examination Following Dismissal – Section 57 of the Act

88.1 (1) In this rule, "consultation" means a consultation by the Chair of the Conduct Committee with the Chair of the Professional Responsibility Committee and the President of the Society under section 57 of the Act.

(2) If a matter is dismissed, except a dismissal pursuant to section 53(1.1) of the Act, the Executive Director or complainant may refer the matter to the Chair of Conduct for consideration under section 57 of the Act.

(2.1) A direction pursuant to Rule 85(4) that no further review be taken on a matter is not subject to re-examination under section 57 of the Act.

(3) In considering the referral, the Chair of Conduct may consider:

(a) the materials before the Executive Director, the Conduct Committee or the Appeal Committee, as the case may be;

(b) the request for referral of the complainant, if any; and

(c) the request for referral of the Executive Director, if any.

(4) If the Chair of Conduct declines to initiate a consultation, the Executive Director shall advise the complainant of the outcome if the referral was initiated by the complainant.

(5) If the Chair of Conduct decides to proceed with a consultation, the member and complainant shall be notified in writing.

(6) The consultation may occur with or without an oral hearing.

(7) The reviewers shall make their decision on the basis of:

(a) the materials before the Executive Director, the Conduct Committee or the Appeal Committee, as the case may be;

(b) the request for referral; and

(c) any submissions by or on behalf of the complainant, if any, or the member concerned, with the prior consent of the majority of the Chair of Conduct, the Chair of the Professional Responsibility Committee and the President.

(8) When a consultation is concluded, the Executive Director shall notify the complainant and the member concerned in writing of the results of the consultation.

(9) If a matter is referred to the Conduct Committee for review or a 2nd review under section 56 of the Act, the Conduct Committee shall make its decision on the basis of the following:

(a) materials that were provided to the reviewers in the course of the consultation;

(b) the transcript of the proceedings before the reviewers, if an oral hearing was held;

(c) the written reasons for the decisions of the reviewers; and

(d) any additional materials provided by or on behalf of the complainant or the member received subsequent to the completion of the consultation.

(10) For purposes of a Section 57 re-examination, where the Chair of the Conduct Committee, the Chair of the Professional Responsibility Committee or the President is in conflict or otherwise incapacitated and unwilling or unable to act, one of the Vice Chairs of the Conduct Committee, the Vice Chair of the Professional Responsibility Committee or the President-Elect, as the situation requires, will act in place of the Chair or President.

Nov2004;Sep2016;Dec2016;Oct2026

Practice Review Committee

89 **(1)** The Practice Review Committee may sit in panels of a minimum of 3 members each, at least one of whom must be a Bencher, for the purposes of

(a) receiving referrals made by the Executive Director under subsection 53(4) of the Act;

(b) conducting general reviews and assessments and reporting to the Conduct Committee under subsection 58(1) of the Act; and

(c) making a decision on any other matters under the Rules or Part 3 of the Act.

(2) Three members of a panel of the Practice Review Committee constitute a quorum at a meeting of the panel.

(3) The Practice Review Committee or a panel convened under subrule (1) may decide upon the action to take, including

(a) conducting a review;

(b) conducting an assessment;

(c) conducting an investigation;

(d) obtaining undertakings;

(e) making recommendations; and

(f) rendering a decision.

(4) Nothing in this Rule or Rule 89.1 affects the ability of the Practice Review Committee or a panel convened under subrule (1) to

(a) delegate the carrying out of any aspect of a review and assessment or investigation, including any action listed in subrule (3) other than rendering a decision, to a subcommittee consisting of one or more persons, whether they are members of the Practice Review Committee or of the Society or not, and which may include staff members or agents of the Society;

(b) carry out any aspect of a review and assessment or investigation that has been delegated to a subcommittee; or

(c) repeal a delegation made to a subcommittee.

May2026

Reviews Conducted by the Practice Review Committee

89.1 **(1)** When the Practice Review Committee is directed to carry out a general review and assessment of a member's conduct under subsection 58(1) of the Act, or receives a referral under subsection 53(4) of the Act, the Practice Review Committee, a panel convened under subrule 89(1), or a subcommittee to which any aspect of a review and assessment or investigation has been delegated

(a) will notify the member concerned;

(b) will conduct the review and assessment under subsection 58(1) or any further review and investigation under subsection 53(4); and

(c) may require the member concerned to answer any inquiries or produce any records or other property requested by it to assist in any review, assessment or investigation.

(2) If the Practice Review Committee, the panel or the subcommittee requires the member concerned to answer any inquiries or produce any records or other property pursuant to subsection 58(3) of the Act or a referral under either subsection 53(4) of the Act, it will notify the member of the requirement and include the following information:

(a) the deadline by which the member is to provide the answers or provide the records or other property, and

(b) that the request is being made as part of a general review and assessment of the member's conduct under subsection 58(3) of the Act or pursuant to a referral under either subsection 53(4) of the Act.

(3) When the Practice Review Committee or panel has delegated the carrying out of any aspect of a review and assessment or investigation to a subcommittee, the subcommittee will submit a written report containing its findings and recommendations to the Practice Review Committee or the panel, whichever made the delegation.

Nov2018;Nov2023;May2026

Abeyance

89.2 (1) A matter that is:

(a) under review by the Executive Director in accordance with the Conduct Process in Rule 85, pursuant to section 53 of the Act, or

(b) under review by the Conduct Committee pursuant to section 56 of the Act, or

(c) before the Conduct Committee pursuant to section 58(7) of the Act,

may be placed in abeyance upon request.

(2) A request for abeyance of a matter:

(a) in subrule (1)(a) may be made by the member or the Executive Director,

(i) by consent, or

(ii) upon application, or

(b) in subrule (1)(b) or (1)(c) may be made by the member upon application,

to the Chair of the Conduct Committee.

(3) The Chair of the Conduct Committee shall make a decision:

(a) denying the request; or

(b) approving the request and placing the matter in abeyance for a period not exceeding one year.

(4) When a matter in subrule (1) is placed in abeyance under subrule 3(b):

(a) neither the member nor the Executive Director or the Conduct Committee, as the case may be, will be required to take any steps during the abeyance; and

(b) no argument based on delay or other prejudice resulting from the abeyance may be raised at any time.

(5) An abeyance will terminate:

(a) upon expiration of the period of time specified in the decision in subrule (3)(b); or

(b) prior to the expiration of the period of time specified in the decision in subrule (3)(b) for a matter

(i) in subrule (1)(a)

(A) by consent of the member and the Executive Director, or

(B) by direction of the Chair of the Conduct Committee upon application by the member or the Executive Director, or

(ii) in subrule (1)(b) or (1)(c)

(A) by direction of the Chair of the Conduct Committee upon application by the member, or

(B) at the discretion of the Chair of the Conduct Committee.

Feb2021

Notices

90 (1) Where the Conduct Committee, pursuant to section 59(1)(a) of the Act, directs that the conduct of a member is to be dealt with by a Hearing Committee,

(a) the chair of the Conduct Committee shall appoint the Hearing Committee; and

(b) the Tribunal Office shall give to the member notice of

(i) the date or dates of the hearing, and

(ii) the acts or matters regarding the member's conduct to be dealt with, with reasonable particulars of each act or matter.

(2) The date of commencement of the hearing, given under subrule (1)(b)(i) shall be at least 30 days after the date on which the notice referred to in subrule (1)(b) is given to the member, unless the member or the member's counsel waives the insufficiency of the notice, or consents to an earlier hearing date.

Apr2021

Pre-Hearing Conferences

90.1 (1) A pre-hearing conference must be held, by telephone or videoconference,

(a) before a hearing under section 59, section 75 or section 76 of the Act commences, unless both parties agree to waive the pre-hearing conference; and

(b) before any hearing, other than under section 59, section 75 or section 76, commences when

(i) requested by the member or Society counsel, or

(ii) directed by the chair of the applicable committee.

(1.1) Rules 90.1-90.3, respecting pre-hearing conferences, apply to any hearing conducted under the Act and these Rules.

(2) Where a pre-hearing conference is conducted under subrule (1), the chair of the applicable committee will direct that the member and Society counsel be notified of the following:

(a) the date and time of the pre-hearing conference;

(b) instructions for accessing the pre-hearing conference by telephone or videoconference;

(c) the identity of the pre-hearing conference chair; and

(d) that the pre-hearing conference may proceed in the absence of the member, pursuant to Rule 90.3(2).

(3) When the Society is notified that the member has retained counsel,

(a) all subsequent notices and communications to the member respecting pre-hearing conferences will be served on or provided to the member's counsel; and

(b) such service shall be good and sufficient service on the member until;

(i) the member's counsel advises the Society that he or she has ceased to act or is unable to contact the member, or

(ii) the member advises the Society that he or she is no longer represented by counsel.

(4) Whether or not a pre-hearing conference has been held, the Hearing Committee or the appeal panel may proceed with the hearing.

Dec2014;Sep2016;Jun2020;Apr2021;Jun2022

Pre-Hearing Conference Chair

90.2 (1) "Pre-hearing conference chair" means:

(a) the chair or vice-chair of the Conduct Committee, or any other Bencher appointed by the chair of the Conduct Committee, for hearings commenced under this Part; or

(b) a Bencher appointed by the chair of the applicable committee for hearings commenced other than under this Part.

(2) The pre-hearing conference chair may:

(a) make directions as to materials to be prepared for the hearing;

(b) order that the date for a hearing be set;

(c) grant an adjournment of a pre-hearing conference;

(d) grant adjournments of hearings that have not commenced;

(e) permit or direct the amendment or withdrawal of citations where the amendment or withdrawal does not result in discontinuance of conduct proceedings referred to a hearing;

(f) permit or direct severance or consolidation of citations;

(g) permit or direct particulars or issues lists;

(h) make determinations regarding disclosure in accordance with Rule 90.6;

(i) set a schedule for the completion of pre-hearing steps;

(j) before a hearing commences, canvass the member and Society counsel regarding,

(i) potential for agreement on any matters between the parties, or

(ii) interest in mediation, with a mediator to be agreed upon by the parties;

(k) make directions regarding the appropriate mode of the hearing in accordance with Rule 2.5(2)(d);

(l) determine the mode by which a witness may give evidence in a hearing, whether in person, by teleconference or by videoconference;

(m) direct that a matter be placed in abeyance in accordance with Rule 90.5; and

(n) make directions regarding any other matters to facilitate a timely and effective hearing.

(3) The pre-hearing conference chair

(a) is not delegated the authority of the chair of the Conduct Committee under the Act, or the authority of the chair of any other adjudicative committee; and

(b) may not determine,

(i) the order of proceedings, or

(ii) the admissibility, relevance, materiality or weight of evidence at a hearing.

(4) The pre-hearing conference chair may not participate in any subsequent hearing related to the same proceeding unless the member or the member's counsel, and Society counsel, consent to such participation.

Apr2021;Jun2022

Pre-Hearing Conference Requirements

90.3 (1) Where a pre-hearing conference will take place under Rule 90.1, the member or the member's counsel, and Society counsel, must attend unless otherwise directed by the pre-hearing conference chair.

(2) If the member fails to attend a pre-hearing conference, either personally or by counsel, and the pre-hearing conference chair confirms that the member had notice of the pre-hearing conference, the pre-hearing conference may proceed in the member's absence.

(3) When the pre-hearing conference chair directs Society counsel and the member or the member's counsel to attend additional pre-hearing conferences, the chair will direct the Tribunal Office to set the date and time at which the additional pre-hearing conferences will be held.

(4) Pre-hearing conferences will be recorded.

(5) The Tribunal Office will provide each party with a report that summarizes the proceedings.

(6) At the panel's or Hearing Committee's discretion, portions of a recording under subrule (4) or a report under subrule (5) that set out:

(a) directions made by the pre-hearing conference chair, and

(b) failures to comply with directions of the pre-hearing conference chair,

are admissible at a hearing conducted in relation to the same proceeding.

Apr2021

Notice to Admit

90.4 (1) This Rule applies to hearings commenced under section 59 of the Act.

(2) Not less than 45 days before a hearing is scheduled to begin, the member or Society counsel may serve on the other party a notice to admit, for the purposes of the hearing only, the truth of a fact or the authenticity of a document.

(3) A notice served under subrule (2) must

(a) be made in writing in a document marked "Notice to Admit" and served in accordance with Rule 4;

(b) include a complete description of the fact, the truth of which is to be admitted or denied; and

(c) attach a copy of the document, the authenticity of which is to be admitted or denied.

(4) A party may serve more than one notice under subrule (2).

(5) A party who receives a notice pursuant to subrule (2) must respond within 21 days by serving a response on the other party in accordance with Rule 4.

(6) The time for response under subrule (5) may be extended by agreement of the parties or by a direction of the pre-hearing conference chair prior to the expiry of the 21-day response period.

(7) A response under subrule (5) must contain:

(a) an admission or denial of the truth of each fact contained in the notice; or

(b) an admission or denial of the authenticity of each document listed in the notice.

(8) If a party who has been served with a notice does not respond in accordance with this rule, the party is deemed, for the purposes of the hearing only, to admit the truth of the facts and the authenticity of the documents described in the notice.

(9) Notwithstanding an admission made under this Rule, the Hearing Committee shall determine whether the admitted facts or authenticated documents support a finding of conduct deserving of sanction.

(10) When exercising its discretion in the calculation of costs, a Hearing Committee may consider whether a party denied the truth of a fact or the authenticity of a document under this Rule that was subsequently proven at the hearing.

(11) A party may amend or withdraw an admission or denial

(a) with the consent of the other party; or

(b) with permission granted on an application,

(i) before the hearing has started, to the pre-hearing conference chair, or

(ii) after the hearing has started, to the Hearing Committee.

(12) Notwithstanding subrule (8), the Hearing Committee may relieve a party from a deemed admission.

Apr2021

Abeyances

90.5 (1) The member or Society counsel may make a request to the pre-hearing conference chair that a proceeding be placed in abeyance,

(a) by application; or

(b) by consent of both parties.

(2) The pre-hearing conference chair will make an order, either:

(a) denying the request; or

(b) approving the request and placing a proceeding in abeyance for a period not exceeding one year.

(3) When a proceeding is placed in abeyance in accordance with subrule (2),

(a) no further steps are required to be taken by either party while the proceeding is in abeyance; and

(b) no argument based on delay or other prejudice resulting from the abeyance may be raised at any time.

(4) An abeyance will terminate,

(a) upon expiration of the time specified in the abeyance order; or

(b) prior to the expiration of the time specified in the abeyance order:

(i) by consent of both parties; or

(ii) by order of the pre-hearing conference chair upon application by either party.

Apr2021

Disclosure of Documents in the Possession of the Society

90.6 (1) As soon as practicable after conduct is directed to a hearing by the Conduct Committee under section 59 of the Act, Society counsel shall provide disclosure to the member in accordance with procedures established by the Society.

(2) A member may apply to the pre-hearing conference chair for additional disclosure or further particulars of the member's alleged misconduct.

Apr2021

Witnesses, Exhibits and Authorities

90.7 (1) Not less than 14 days before the date set for the commencement of the hearing, each party shall provide:

(a) to the Tribunal Office and every other party:

(i) the name of each witness that the party intends to call to give evidence at the hearing,

(ii) a list of authorities the party anticipates it will rely upon at the hearing, and

(iii) copies of all documents that the party intends to introduce into evidence at the hearing; and

(b) to the Tribunal Office, the contact information of each witness that the party intends to call to give evidence at the hearing.

(2) Each party must provide to every other party, no later than 60 days before it will be entered into evidence, a copy of the written report of every expert witness the party intends to call and a summary of their qualifications.

(3) Within 14 days of receiving a report under subrule (2), the receiving party must notify the other party whether it intends to provide a rebuttal expert report.

(4) A party may make a request through Tribunal Office to vary the time to comply with subrules (1) - (3).

Apr2021

Admission

90.8 Notwithstanding Rules 90.6 and 90.7, a panel or a Hearing Committee, as applicable, may admit additional evidence upon any terms and conditions it deems appropriate.

Apr2021

Admission of Guilt

91 Repealed April 2021.

Apr2021

Resignation of Member Facing Conduct Proceedings

92 (1) When a member whose conduct is the subject of proceedings, or who is facing disciplinary proceedings, wishes to resign as a member of the Law Society of Alberta, the member shall submit the following documents:

(a) An application in writing signed by the member to resign from the Law Society of Alberta,

(b) A Statutory Declaration of the member setting out the following:

(i) particulars about the member including the date of birth, date of call to the bar, place of residence, office address, number of years in practice and the reason for the application;

(ii) that all trust money and client property for which the member was and is responsible have been accounted for and paid over or delivered to the persons entitled thereto, or that responsibility for client matters has been transferred to an active member, or a statement to the effect that the member wishing to resign has not handled trust money and other client property;

(iii) that, if the member has maintained a trust account, the same has been closed with proof of this attached, or that the member no longer has signing authority on the firm trust account;

(iv) that the member's trust accounting records are complete and up-to-date for the period from the date of the member's last fiscal year end to the date on which the member's trust account was closed;

(v) that all clients' matters have been completed and disposed of or that all client files and papers have been returned to them or turned over to some other person or solicitor, that if files have been turned over to other solicitors, letters from them confirming their receipt of named files should be attached as exhibits to the member's Statutory Declaration, or alternatively that the member has not been engaged in practice of law;

(vi) that the member is not aware of any claim against the member in his or her professional capacity or in respect to the member's practice, or alternatively full particulars of any claims of which the member has knowledge;

(vii) such additional information or explanations as may be relevant, or required by the Executive Director or the Benchers;

(viii) if the member has maintained a trust account, that the member shall submit a final Law Firm Self-Report and either a final Accountant's Report or final Electronic Data Upload to the Society for the period from the date of the member's last fiscal year end to the date that the member's trust account is closed; and

(ix) that before making the Application, the member has read section 61of the Act and has considered the definition of "disbar" in section 1(c) of the Act.

(2) The Benchers may require the member to enter into undertakings and agreements with the Law Society, the terms and conditions of which may include the following:

(a) the member shall undertake and agree to cooperate with the Law Society in the future with respect to any claim made against the member or against the Assurance Fund or Part B of the group policy; and/or

(b) the member shall undertake and agree to pay any deductible with respect to any claim paid by the Law Society Insurer and to pay the Law Society any claim paid from the Assurance Fund or the indemnity program fund.

(3) The member shall surrender to the Law Society the Member's Certificate of Enrolment.

(4) The member shall be required to agree to a statement of facts in a form acceptable to the Benchers setting out the particulars of the facts which give rise to the conduct proceedings or disciplinary proceedings and the fact that the member has resigned. The member shall be required to agree to the publication of the statement of facts and to make the application to resign before the Benchers in public.

(5) The Executive Director shall comply with Rules 83 and 96 before the application is heard. At the hearing of the Application, the Benchers shall comply with Rule 98.

(6) The Benchers shall consider whether the competence of the member is a factor that should be taken into consideration with respect to any term or condition upon which the member may make application for reinstatement.

(7) The Benchers shall review all of the costs incurred by the Law Society which may include the costs of investigation and the costs of a custodian if one has been appointed and shall decide if the member shall be required to pay some or all of the costs prior to acceptance of the resignation or prior to any later application for reinstatement.

(8) The Benchers shall review all of the material and shall take into consideration the best interests of the members of the public and the members of the Society. If the Benchers determine that it is appropriate in the circumstances to allow the member to resign, they may accept the resignation of the member.

(9) The Benchers shall then give directions as to the information to be entered on the roll in relation to the member's resignation.

(10) If the Benchers are of the opinion that there are reasonable and probable grounds to believe that the member has committed a criminal offence, they shall direct the Executive Director to comply with section 78 of the Act.

June2004;Jun2014;Oct2021

Interim Suspensions

93 (1) If the membership of a member is suspended by the Benchers or a Hearing Committee under section 63(1) or (3) of the Act, the Executive Director shall:

(a) notify the member and the member's counsel of the suspension as soon as possible if it is not made in the member's presence; and

(b) send a letter to the member, with a copy to the member's counsel, confirming the suspension order and when it was made or the date on which it is specified to be effective, as the case may be.

(2) If the membership of a member is suspended pursuant to section 63(1) or (3) of the Act, the member may apply for the termination of the suspension

(a) to the Hearing Committee , if the application is made during its hearing respecting the member's conduct, or

(b) in any other case, by filing a written application with the Executive Director.

(3) If the membership of a member is suspended pursuant to section 63 of the Act, the member may apply to the chair of the Conduct Committee to expedite the hearing of the matter(s) leading to the suspension.

(a) That application may be arranged by the member by contacting counsel for the Law Society. Depending on the circumstances of the case, and any directions made by the chair, the application may be made in writing, by telephone conference call or by other convenient means.

(b) When an application to expedite is made, the general principles that should be applied include (but are not limited to) the following:

(i) In general, all reasonable efforts should be made to ensure that the hearing of a member suspended pursuant to section 63 be dealt with as quickly as possible, subject to the principles referred to below.

(ii) The Law Society should not be forced to proceed with such haste that a full investigation could not be completed.

(iii) Any circumstances that are attributable to the member which result in a delay of the matter will weigh against an expedited hearing. Those circumstances may include (but are not limited to) the following: keeping records in a manner which slows the investigation; failing to cooperate fully with the investigation; and being unprepared to proceed with the hearing.

(c) When a member is suspended pursuant to section 63 of the Act, the Executive Director shall notify the member of the opportunity to apply to have the hearing expedited (as set out in this Rule) at the same time that the member is notified of the suspension.

Jun2020

Amendment of Hearing Notice

94 Repealed April 2021.

Apr2021

Notice to Attend as a Witness

95 Repealed April 2021.

Apr2021

Notice Respecting Private Hearing

96 The Benchers may establish guidelines to be followed by the Executive Director when providing notice to the individuals entitled to make a private hearing application in accordance with section 78(2) of the Act of their right to make such an application.

Apr2021

Adjournments

97 (1) Before a hearing begins, the hearing may be adjourned,

(a) by the pre-hearing conference chair in accordance with Rule 90.2(2)(d), or

(b) by the Hearing Committee,

to any other time or place, on any conditions they may impose.

(2) On or after the commencement of the hearing, the Hearing Committee may adjourn the hearing to any other time or place, on any conditions it may impose.

Sep2016;Apr2021

Persons Present at the Hearing

98 (1) When a hearing before a Hearing Committee commences, the chair shall, unless the Committee has decided on its own motion that the hearing will be held wholly in private, invite applications under section 78(2) of the Act to have all or part of the hearing held in private.

(2) During any period in which the hearing is held in private, the only persons who may attend the hearing are

(a) the member concerned, the member's counsel and the Society's counsel, and

(b) any other persons authorized by the Hearing Committee to attend the hearing.

(3) Exhibits introduced in evidence before the Hearing Committee when the hearing is held in public shall be made available for inspection, and copies shall be provided on request, in accordance with the Committee's directions unless the Hearing Committee directs that they will not be made available or will not be copied. The Audit and Finance Committee, or its delegate, may prescribe a rate to be used to determine the cost to be paid for copies made.

(4) Records of the Society consisting of

(a) the hearing record of a hearing before a Hearing Committee held wholly in private, and

(b) that part of a hearing record pertaining to part of a hearing before a Hearing Committee held in private,

are confidential and shall not be made available by the Society for inspection.

Jun2013;Feb2016

Hearing Committee Order for Costs

99 (1) Unless the Hearing Committee directs that there will be no order for costs, or the member is found to be not guilty of conduct deserving of sanction on all citations, the Executive Director shall, as soon as possible after the conclusion of its hearing, prepare a statement of costs showing the following charges, costs and expenses incurred in connection with the proceedings against the member to that time:

(a) investigators' and audit professionals' fees and expenses incurred in carrying out any inquiries or investigations;

(b) hearing charges at a rate prescribed by the Benchers or by the Audit and Finance Committee, per day or half day of hearing, or part thereof;

(c) any other expenses incidental to the hearing including, without limitation:

(i) fees and expenses of all witnesses, including experts,

(ii) fees and expenses incurred in preparing and serving any documents on any person pursuant to Division 1 of Part 3 of the Act,

(iii) court reporter fees and charges for transcripts;

(d) fees and expenses of the counsel for the Society, other than the Society's Discipline Counsel,

(e) reasonable costs for the indemnification of the Society for the cost of services performed by the Society's Discipline Counsel in connection with proceedings, other than those referred to in clause (g),

(f) adjournment charges at a rate or rates prescribed by the Benchers or by the Audit and Finance Committee; and

(g) if the Hearing Committee has directed the Executive Director to include them in the statement, any costs and expenses incurred by the Society in connection with all or any proceedings respecting the member's conduct under section 54, 56, 58, 60, 61 or 63 of the Act, including reasonable compensation for the indemnification of the Society for the cost of services performed by investigators, audit professionals, the Society's Discipline Counsel or other counsel for the Society in connection with those proceedings.

(2) A Hearing Committee's order for costs

(a) may be made on the basis of the statement of costs prepared by the Executive Director or may be otherwise referable to that statement and

(b) in a case where the Committee orders payment of the costs of the proceedings,

(i) shall be based on the costs and expenses referred to in subrule (1)(a) to (f), and

(ii) may, where the Committee so directs, include all or part of the costs and expenses described in subrule (1)(g).

(3) The Audit and Finance Committee may prescribe an hourly rate to be used to determine the cost to the member of services performed by counsel, investigators or audit professionals, for the purposes of subrule (1).

(4) A statement of costs under this Rule shall be signed by the chair or any other member of the Hearing Committee or, in the absence of all the members of the Hearing Committee from their usual places of business, the chair of the Conduct Committee.

(5) The Executive Director shall send the signed statement of costs to the member or the member's counsel.

(6) If a question arises as to the accuracy of a signed statement of costs, the Hearing Committee shall, on application made within 15 days after the date on which the statement was sent to the member or the member's counsel, review the statement and, on completing the review, may amend or replace the statement and, if necessary, amend or replace the order for costs to reflect the change in the statement.

(7) If a member is suspended for non-payment pursuant to section 79 or 93 of the Act, that member shall remain suspended until any costs incurred by the Law Society in any custodianship during that suspension and in preparing and mailing any notices about that suspension are paid in full by that member, unless the Conduct Committee otherwise directs. The Executive Director shall determine the amount of those subsequent costs and send a statement of those costs to the member or the member's counsel. On application by the member, the Conduct Committee may review that statement of subsequent costs and may confirm, amend or replace it.

Jun2013;Feb2016

Conduct Committee Terms and Conditions

99.1 Where the Conduct Committee, pursuant to section 79(1) of the Act, grants an extension of the period prescribed by a Hearing Committee order, the Conduct Committee may also impose such terms and conditions, including the payment of interest, respecting repayments as the committee deems fit and appropriate under the circumstances.

Adjournment of Commencement of Appeal Hearing

100 If an appeal is taken to the Benchers under section 75 of the Act but the appeal hearing has not yet commenced, the member, the member's counsel or the Society's counsel may apply to the chair of the pre-hearing conference for an adjournment of the commencement of the hearing.

Sep2019

Hearing Record for Appeal

100.1 (1) When a member appeals a decision of the Hearing Committee to the Benchers pursuant to section 75 of the Act, the Executive Director arranges for the hearing record to be prepared at the member's expense, pursuant to section 74(5) of the Act.

(2) The Executive Director will provide the member with the cost of preparing the hearing record.

(3) Upon receiving payment from the member for the cost of preparing the hearing record, or if the Benchers waive payment of the cost, the Executive Director will serve on the member or on the member's counsel a copy of the hearing record.

Sep2019

Member's Obligations in Appeal Proceedings

100.2 When a member appeals a decision of the Hearing Committee to the Benchers pursuant to section 75 of the Act:

(a) the member must, within 60 days of being provided with the cost of preparing the hearing record as set out in rule 100.1(2):

(i) pay the cost, or

(ii) make an application to the Benchers pursuant to section 74(6) of the Act to waive payment of the cost;

(b) if the member makes an application as set out in subparagraph (a)(ii), the member must, if the Benchers order full or partial payment of the cost of preparing the hearing record, pay the ordered cost by the deadline specified by the Benchers;

(c) the member must, within 60 days of being served with the hearing record:

(i) provide written appeal submissions to Society counsel; or

(ii) apply to the pre-hearing conference chair for an extension of time to provide written appeal submissions to Society counsel, pursuant to rule 90.2(2);

(d) if the member makes an application as set out in subparagraph (c)(ii), the member must provide written appeal submissions by the deadline specified by the chair;

(e) the member must comply with any directions imposed on the member by the pre-hearing conference chair in accordance with Rule 90.2; and

(f) the member must comply with any other requirements imposed on the member by the Benchers.

Sep2019;Apr2021

Appeals Commenced Prior to September 27, 2019

100.3 (1) This rule applies to appeals commenced prior to September 27, 2019, pursuant to section 75 of the Act, where the member has not done one or more of the following:

(a) paid the cost of preparing the hearing record;

(b) provided written appeal submissions to Society counsel;

(c) complied with directions imposed on the member by the chair of a pre-hearing conference; or

(d) complied with requirements imposed on the member by the Benchers.

(2) A member who has an appeal as set out in subrule (1) must, within 60 days of being notified pursuant to subrule (4):

(a) pay any outstanding cost of preparing the hearing record or apply to the Benchers for a waiver of the payment of the cost;

(b) provide any outstanding written appeal submissions or apply to the chair of a pre-hearing conference for an extension of the deadline to provide written appeal submissions;

(c) comply with any outstanding directions of the chair of a pre-hearing conference; and

(d) comply with any outstanding requirements of the Benchers.

(3) If the member applies, as set out in subrule (2), for

(a) a waiver of the payment of the cost of preparing the hearing record, the member must pay any cost of the hearing record ordered by the Benchers by the deadline specified by the Benchers; or

(b) an extension of the deadline to provide written appeal submissions, the member must provide written appeal submissions by the deadline specified by the chair of a pre-hearing conference.

(4) The Society will notify any member who has an appeal as set out in subrule (1) about the coming into force of this rule within 14 days of it coming into force.

Sep2019

Appeal is Otherwise Abandoned

100.4 If the member fails to comply with any of the member's requirements in Rule 100.2 or in Rule 100.3, as the case may be, the Benchers may, on application by the Society, make an order dismissing a member's appeal as otherwise abandoned pursuant to section 76(11)(c) of the Act.

Sep2019

Persons Present at Appeal Hearing

101 (1) When an appeal hearing under section 76 of the Act commences, the chair of the appeal panel shall, unless the panel has decided on its own motion that the hearing will be held wholly in private, invite applications under section 78(2) of the Act to have all or part of the hearing held in private.

(2) During any period in which the appeal hearing is held in private, the only persons who may attend the hearing are

(a) the member, the member's counsel and the Society's counsel, and

(b) any other persons authorized by the appeal panel to attend.

(3) If all or part of the appeal hearing is held in public, the parts of the hearing record that are not confidential shall be made available for inspection in accordance with the panel's directions unless the panel directs that they will not be made available.

(4) If the appeal panel grants leave to receive fresh evidence and directs

(a) that all or part of the fresh evidence will be received by the panel, or

(b) that the Hearing Committee from which the appeal is taken will hold a further hearing to hear the fresh evidence,

the requirements of Rule 96 respecting private hearing application notices apply, with the necessary modifications, in relation to proceedings before the panel or the Hearing Committee at which the fresh evidence is to be presented.

Benchers' Order for Costs on Appeal

102 (1) An order of the Benchers respecting the payment of all or part of the costs of appeal proceedings under sections 75 and 76 of the Act may be based on or otherwise made referable to all or part of the following classes of charges, costs and expenses:

(a) expenses incurred in serving any documents;

(b) expenses incurred in connection with the appeal hearing before the appeal panel;

(c) hearing charges at a rate, prescribed by the Benchers or by the Audit and Finance Committee, per day or half day of hearing, or part thereof,

(d) expenses incurred in connection with a further hearing of the Hearing Committee to hear fresh evidence pursuant to a direction made under section 76(6)(b) of the Act;

(e) fees and expenses of external counsel for the Society related to services performed in connection with the appeal proceedings;

(f) reasonable costs for the indemnification of the Society for the cost of services by the Society's counsel performed in connection with the appeal proceedings;

(g) where applicable, expenses incurred in connection with the convening and commencement of a meeting of the panel at which the appeal is dismissed pursuant to section 76(11) of the Act; and

(h) adjournment charges at a rate or rates prescribed by the Benchers or by the Audit and Finance Committee.

(2) The Audit and Finance Committee may prescribe an hourly rate to be used to determine the cost of services performed by the Society's counsel for the purposes of subrule (1)(f).

Jun2013;Feb2016;Sep2019

GENERAL

Order Related to Indictable Offence

103 (1) If a suspension order is made against a member under section 83(2) of the Act, the Tribunal Office shall forthwith notify the member of the order and its effective date and, if the notice is not initially in writing, shall send a letter to the member confirming the order and its effective date.

(2) If the Benchers propose to hold a meeting to consider the making of an order against a member under section 83(4) of the Act, the Executive Director shall serve the member, at least 10 days before the day on which the meeting is to be held, with a notice

(a) showing the time and place at which the meeting is to be held;

(b) stating the intention of the Benchers to consider at that meeting the making of an order under section 83(4) of the Act and describing in general terms the indictable offence conviction on which the proceedings are based; and

(c) stating that the member and the member's counsel may

(i) make oral or written representations to the Benchers at the meeting, or

(ii) submit written representations to the Benchers before the meeting,

respecting the matter to be considered at the meeting.

(3) When a meeting referred to in subrule (2) commences, the panel chair shall, unless the panel has decided on its own motion that the meeting will be held in private, invite applications under section 83(6) of the Act to have the proceedings at the meeting held in private.

(4) During any period at which the proceedings under section 83(5) of the Act are held in private, the only persons permitted to attend the proceedings are

(a) the member, the member's counsel and the Society's counsel; and

(b) any other persons authorized by the panel to attend.

(5) If the panel of Benchers is satisfied that subrule (2) has been complied with, but neither the member nor the member's counsel appears at the meeting of the panel, the panel may continue and conclude the proceedings in their absence.

(6) If following its proceedings the panel makes an order under section 83(4) of the Act, the Tribunal Office shall within a reasonable time notify the member or the member's counsel of the order and its effective date and, if the notice is not initially in writing, the Tribunal Office shall send a letter to the member confirming the order and its effective date.

(7) If the panel of Benchers makes an order under section 83(4) of the Act or decides not to make an order under that section, the panel shall also terminate any suspension order then in effect under section 83(2) of the Act against the same member.

Apr2021

Order Related to Extraprovincial Disciplinary Action

104 (1) If a suspension order is made against an Alberta member under section 84(2) of the Act, the Tribunal Office shall forthwith notify the member of the order and its effective date and, if the notice is not initially given in writing, shall send a letter to the member confirming the order and its effective date.

(2) If the Benchers propose to hold a meeting to consider the making of an order against an Alberta member under section 84(3) of the Act, the Executive Director shall serve the Alberta member, at least ten days before the meeting is to be held, with a notice

(a) stating the time and place at which the meeting is to be held;

(b) stating the intention of the Benchers to consider at that meeting the making of an order under section 84(3) of the Act and describing in general terms

(i) the order made against the Alberta member by a disciplinary body of the extraprovincial law society, or

(ii) the fact of the resignation of the Alberta member as a member of an extraprovincial law society in lieu of having disciplinary proceedings by a disciplinary body of that society continue against the member,

as the case may be; and

(c) stating that the member and the member's counsel may

(i) make oral or written representations to the Benchers at the meeting, or

(ii) submit written representations to the Benchers before the meeting,

respecting the matter to be considered at the meeting.

(3) When a meeting referred to in subrule (2) commences, the panel chair shall, unless the panel has decided on its own motion that the meeting will be held in private, invite applications under section 84(7) of the Act to have the proceedings at the meeting held in private.

(4) During any period at which the proceedings under section 84(5) of the Act are held in private, the only persons permitted to attend the proceedings are

(a) the member, the member's counsel and the Society's counsel; and

(b) any other persons authorized by the panel to attend.

(5) If the panel is satisfied that subrule (2) has been complied with, but neither the member or the member's counsel appears at the meeting of the panel, the panel may continue and conclude the proceedings in their absence.

(6) If, following its proceedings the panel makes an order under section 84(3) of the Act, the Tribunal Office shall within a reasonable time notify the member or the member's counsel of the order and its effective date and, if the notice is not initially in writing, the Tribunal Office shall send a letter to the member confirming the order and its effective date.

(7) If the panel of Benchers makes an order under section 84(3) of the Act or decides not to make an order under that section, the panel shall also terminate any suspension order then in effect under section 84(2) of the Act against the same member.

Apr2021

Reporting Offences

105 (1) A member, student-at-law, applicant for admission or re-admission, or a visiting lawyer who is charged with any of the following:

(a) an indictable offence under any Act of the Parliament of Canada;

(b) an offence under any Act of the Parliament of Canada where the offence was prosecutable either as an indictable offence or as a summary conviction offence;

(c) a summary conviction offence under the *Income Tax Act*, the Criminal Code, the *Narcotic Control Act* or the *Controlled Drugs and Substances Act*, the *Food and Drugs Act* of Canada or the personal or corporate tax legislation of any province or territory in Canada, including any regulation or regulatory instrument made pursuant to such legislation;

(d) a summary conviction offence under any other law in force in Canada punishable by a fine, if the maximum fine for the offence was then at least $25,000;

(d.1) contravening any provision of the *Securities Act* (Alberta) or analogous legislation in any province or territory in Canada, including any regulation or regulatory instrument made pursuant to such legislation;

(e) an offence committed outside Canada and similar to any of the kinds of offences described in clauses (a) to (d.1);

(f) a regulatory offence in any jurisdiction in which the individual is subject to the regulation of any regulatory body, including the legal profession;

shall

(i) within a reasonable time after the charge is laid or the investigation commences, give a written notice to the Executive Director containing the particulars of the charge or investigation, and

(ii) forthwith notify the Executive Director of the disposition of the charge or investigation and any agreement arising out of the charge or investigation.

(2) In addition to the reporting requirements set out above, a member, applicant for admission or re-admission, visiting lawyer or student-at-law shall forthwith notify the Executive Director of any order requiring that they serve a term of imprisonment, including a conditional or intermittent sentence of imprisonment and of any investigation which might lead to charges under subrule (1)(d.1).

(3) In addition to the reporting requirements set out in subsection(1) and (2) above, a member, visiting lawyer, student-at-law or applicant for admission or re-admission shall forthwith notify the Executive Director of any suspension, investigation, supervision, undertaking, conditions or similar processes including but not limited to Conduct, Audit, Practice Review or competence related proceedings to which the individual is subject by direction of a governing body of the legal profession in any jurisdiction.

June2003;Nov2010;Aug2025

Publication of Decisions, Orders and Notices

106 (1) The Benchers may establish guidelines or directions to be followed by the Executive Director when publishing information about a member pursuant to section 85(3) of the Act.

(2) In this rule and rule 107,

(a) "member" includes a former member and, pursuant to section 49 of the Act, a student-at-law and former student-at-law;

(b) “publication” and “publish” means making information about the name of the member and information about a member’s disciplinary information and practising status publicly available on the member’s roll, on the Society’s website, in notices issued pursuant to section 85 of the Act, and on external websites;

(c) “roll” includes the member roll and the register of students-at-law;

(d) "tribunal" means a Hearing Committee or a panel of Benchers performing adjudicative functions and having authority to make publication directions;

(3) When a decision or order is made under sections 61, 71, 72, 73, 77, 82, 83 or 84 of the Act, and subject to private hearing orders made pursuant to the Act and rules, the Executive Director shall publish written decisions or orders, or summaries of written decisions or orders, concerning a member:

(a) on the roll;

(b) on the Society's website;

(c) in notices issued pursuant to section 85(1) of the Act, when applicable; and

(d) on external websites.

(4) When a decision or order is made regarding a member applying to resign in the face of discipline under section 32 of the Act , and subject to private hearing orders made pursuant to the Act and rules, the Executive Director shall publish written decisions or orders, or summaries of written decisions or orders, concerning a member:

(a) on the roll;

(b) on the Society's website;

(c) in notices issued pursuant to section 85(1) of the Act; and

(d) on external websites.

(5) A tribunal may make a publication order directing the Executive Director to publish or withhold certain information, on application by a member or Society counsel.

(6) If no hearing report is available for publication from a hearing or an appeal, the Executive Director may publish the member's name and a summary of the hearing outcome.

(7) If a hearing or an appeal is conducted partly in private and a hearing report is available for publication, no information will be published under this rule if it would result in disclosing information relating to evidence given during that part of the hearing held in private under Part 3 of the Act.

(8) Nothing in these rules prevents the Executive Director from preparing and distributing information about decisions or orders made against members under Part 3 of the Act, or applications to resign in the face of discipline under section 32, if:

(a) the information is published to inform the public of a decision or order, pending the publication of a written hearing decision or order; or

(b) the information is prepared for educational or reporting purposes, or contains statistical data, without identifying individuals, members, professional corporations, law firms, or other entities.

Dec2019

107 (1) A notice issued by the Executive Director under section 85(1) of the Act shall contain the following information about the disbarment or suspension of a member:

(a) the effective date or dates;

(b) the location of the member's practice;

(c) a summary of the member's conduct in respect of which the order was made;

(d) the name and contact information of a custodian, if applicable;

(e) the section of the Act or the Rules under which the order was made.

(2) If a notice has been issued and the member appeals and obtains a stay of the suspension or disbarment order, the Executive Director shall issue a further notice under section 85(1) to confirm the existence of the appeal and the stay order.

(3) Where a member has obtained a stay and the appeal is concluded, the Executive Director shall issue an additional notice to confirm the outcome of the appeal and the termination of the stay.

(4) Where a disbarment or suspension order is quashed as the result of an application for judicial review, the Executive Director shall send a notice confirming the order has been quashed.

Dec2019

Disclosure of Restricted Areas of Practice

107.1 A member, whose areas of practice are restricted by the operation of the Act, the operation of the Rules, the decision of a Society adjudication, or an undertaking provided to the Society, shall clearly indicate such restrictions on the member's business cards, letterhead and written advertisements.

June2003

PART 4
REINSTATEMENTS

Interpretation

108 In this Part,

(1) "Executive Director" includes

(a) the employees holding the positions of Manager of Membership and Customer Service and Supervisor of Customer Service;

(b) lawyers employed or contracted by the Society to review applications and other materials under this Part; and

(c) any other person designated by the Executive Director to perform any of the duties assigned to the Executive Director under this Part; and

(2) "reinstatement condition" includes a pre-reinstatement condition and post-reinstatement condition.

May2026

Application of this Part

108.1 (1) This Part applies to reinstatement proceedings for

(a) inactive, active non-practising, or suspended members;

(b) former members;

(c) students-at-law or suspended students-at-law; and

(d) former students-at-law whose registrations were terminated by an order made under Part 3 of the Act.

(2) For greater certainty, this Part does not apply to students-at-law whose statuses were automatically terminated pursuant to Rule 58.1; such applicants must reapply for admission.

May2026

GENERAL

Reinstatement Committee

109 (1) The Reinstatement Committee is established.

(2) The Reinstatement Committee shall

(a) be appointed by the Benchers and consist of Benchers and members of the Society who are not Benchers;

(b) sit in panels of three members, one of whom must be a Bencher, which are appointed by the Chair or Vice-Chair of the Reinstatement Committee; and

(c) for the purposes of section 86 of the Act, sit as the appointed committee of inquiry, in a panel consisting only of Benchers.

(3) The Reinstatement Committee hears all

(a) applications for reinstatement referred to the Committee by the Executive Director under Division 1;

(b) appeals of decisions of the Executive Director pursuant to Rule 110.4; and

(c) applications for reinstatement under Division 2.

(4) If Reinstatement Committee panel proceedings have commenced,

(a) a panel member who ceases to be a member of the Committee may continue to act as a member of the panel in those proceedings; and

(b) if one or more panel members are unable to continue with the proceedings, the remaining member(s) of the panel may continue the proceedings.

May2026

Executive Director's Review

109.1 The Executive Director, in the course of their review of a reinstatement application under this Part, may

(a) require the applicant to answer any inquiries or to furnish any records that the Executive Director considers relevant for the purpose of the review;

(b) make inquiries of third parties for information respecting any of the matters raised through the application process;

(c) require the applicant to provide any express authorization or release to the Society to enable the Executive Director to make inquiries of any third parties for information respecting any of the matters raised through the application process;

(d) access any other records held by the Society relevant to the application for reinstatement; and

(e) direct that the application be investigated, which investigation may be conducted by an officer or employee of the Society or by a person engaged by or on behalf of the Society for that purpose.

May2026

Investigation

109.2 In the course of any investigation under this Part, the investigator may

(a) require the applicant or any member or student-at-law to answer any inquiries the investigator may have relating to the investigation;

(b) require the applicant or any member or student-at-law to furnish any information or record related to the applicant and to provide verification of that information or record by statutory declaration;

(c) require the applicant or any member or student-at-law to attend before the investigator for the purpose of complying with clauses (a) or (b);

(d) make inquiries of any third parties for information respecting any of the matters raised through the application process;

(e) require the applicant to provide any express authorization or release to the Society to enable the Investigator to make inquiries of any third parties for information respecting any of the matters raised through the application process; and

(f) access any other records held by the Society relevant to the application for reinstatement.

May2026

Date and Place of Hearing

109.3 The Tribunal Office will serve the applicant with a notice of appointment of the panel and date and place of any Reinstatement Committee hearing or Bencher appeal or consideration under this Part.

May2026

Rules of Evidence

109.4 The Reinstatement Committee, or the Benchers under this Part, may hear, receive and examine evidence in any manner they consider proper and are not bound by the rules of law concerning evidence in judicial proceedings.

May2026

Onus

109.5 (1) An applicant under this Part has the onus of proving that

(a) in the case of a member or former member, they are competent to practice, or any competency concerns can be adequately mitigated by conditions, or

(b) in the case of a student-at-law or former student-at-law, they continue to meet the admission requirements;

and in either case, their reinstatement will not pose a risk to the public, or any risk to the public can be adequately mitigated by conditions.

(2) In addition to subrule (1), applicants for reinstatement in Division 2 of this Part have the onus of proving that

(a) they are of good character and reputation; and

(b) their return to practice or articling will not harm the standing of the legal profession.

May2026

Adjournments

109.6 The Reinstatement Committee, or the Benchers under this Part, may adjourn the hearing, on any conditions they may impose, and notice of the adjournment will be given to the applicant or to the applicant's counsel, whether or not the hearing has commenced.

May2026

Costs

109.7 (1) The Reinstatement Committee, or the Benchers under this Part, may order the applicant to pay the costs of a proceeding under this Part, in whole or in part, regardless of the outcome, including when the application or appeal is withdrawn or abandoned, and

(a) shall specify the date by which any costs ordered must be paid; and

(b) may refer to Rules 99 and 102 as guides regarding the items and amounts which may be included in the calculation of costs.

(2) At least 60 days in advance of the expiry of a deadline imposed by the Reinstatement Committee for payment of costs, an applicant may apply to the Chair or Vice Chair of the Reinstatement Committee for an extension of the deadline.

(3) At least 60 days in advance of the expiry of a deadline imposed by the Benchers for payment of costs, an applicant may apply to the President or President-Elect for an extension of the deadline.

(4) An applicant who, when their reinstatement application was approved, fails to pay the costs ordered pursuant to subrule (1)

(a) by the time specified in subrule (1)(a), or

(b) by the time specified in any extension granted pursuant to subrule (2) or (3);

shall be automatically suspended as of the day immediately following the deadline until reinstated in accordance with subrule 165.1.

May2026

Conditions

109.8 (1) If conditions with respect to an applicant's reinstatement are imposed under this Part, the conditions shall be entered in the Roll in accordance with Rules 39(2)(g) and 40(2)(f).

(2) Unless otherwise specified, when there has been a material change in circumstances an applicant may apply to amend one or more conditions as follows:

(a) when the conditions were imposed by the Executive Director, by making an application to the Executive Director; or

(b) when the conditions were imposed by the Reinstatement Committee or the Benchers, by making an application to the Reinstatement Committee.

(3) If an applicant fails to complete or comply with any conditions imposed under this Part, and the applicant has not yet been reinstated,

(a) the Executive Director, when the conditions were imposed by the Executive Director, or

(b) the Reinstatement Committee or the Executive Director, when the conditions were imposed by the Committee or the Benchers;

may deem the application to be abandoned.

(4) If an applicant has been reinstated but fails to complete or comply with any conditions imposed under this Part, the Reinstatement Committee or Executive Director may bring the conduct to the attention of the Society pursuant to section 53 of the Act.

May2026

Publication

109.9 (1) In accordance with this Part and any guidelines or directions established by the Benchers, all decisions by the Reinstatement Committee, or the Benchers under this Part, shall be published on the Society's website and on external websites.

(2) Notwithstanding subrule (1), on application by an applicant or the Society, the Reinstatement Committee or the Benchers may make a publication order directing that certain information be withheld, redacted or otherwise kept private.

(3) Notwithstanding subrule (1), if the Reinstatement Committee or the Benchers make a private hearing order under Division 2 of this Part, no information will be published if it would result in disclosing information relating to evidence given during the part of the hearing held in private.

May2026

DIVISION 1

REINSTATEMENT PROCEEDINGS

SUBDIVISION 1

Application for Reinstatement

110 (1) This Division applies to the following individuals who seek to reinstate:

(a) an inactive member who seeks reinstatement to active status;

(b) an active non-practising member who seeks reinstatement to practising status;

(c) a suspended member, other than a member suspended under Rules 67.3, 67.4, 109.7, 119.38, 147, 149.2, 149.6, 149.9, 153 or 165, who seeks to be reinstated to any other status;

(d) a student-at-law who has not worked as an articling student for the past twelve months and seeks to be enrolled as a member or to resume articling;

(e) a suspended student-at-law; and

(f) a former member who is neither a disbarred person nor a former member who resigned in the face of discipline proceedings.

(2) A member suspended under Rules 67.3, 67.4, 109.7, 119.38, 147, 149.2, 149.6, 149.9, 153 or 165 who seeks to be reinstated within fifteen days of the date of suspension must comply with the requirements of Rule 165.1.

(3) An application pursuant to subrule (1) must

(a) be submitted in the form acceptable to the Executive Director, including all supporting documentation; and

(b) include the prescribed application fees.

(4) Prior to the review of an application for reinstatement an applicant must, in addition to the fees in subrule (3)(b), pay any amounts owing to the Society or ALIA not already addressed by a repayment agreement.

(5) Notwithstanding subrule (4), an application for reinstatement under this Division with amounts owing may proceed when expressly authorized by the Reinstatement Committee, which authorization may be given with or without conditions.

(6) An approved reinstatement will not become effective until all assessments owing as defined in Rule 160(a), the annual fee pursuant to Rule 163 and any amounts owing to the Society or ALIA not already addressed by a repayment agreement are paid.

May2026

Reinstatement of Judges and Applications Judges

110.1 (1) Notwithstanding any other provision in these Rules, upon retirement from holding office as a judge of any of the courts described in section 33 of the Act, a person who was immediately prior to that person's appointment a member of the Society shall, without application or payment of any kind, be reinstated as an inactive member of the Society.

(2) A person referred to in subrule (1) may apply to become an active member in accordance with Rule 110.

(3) If a former judge or former applications judge is reinstated as a member, it is a condition of the reinstatement that the member must not appear in chambers or in any court in Alberta as a barrister and solicitor without first obtaining the approval of the Benchers, which may be given with or without conditions.

May2026

Executive Director's Review

110.2 (1) The Executive Director shall review any application received under this Division in accordance with Rule 109.1 and may, at any time, direct an investigation to proceed in accordance with Rule 109.2.

(2) An investigator shall provide a report respecting any investigation directed pursuant to subrule (1) to the Executive Director.

May2026

Executive Director's Decision

110.3 (1) Following review and any investigation of an application for reinstatement, the Executive Director may

(a) deny the application;

(b) approve the application;

(c) approve the application with conditions; or

(d) refer the application to the Reinstatement Committee.

(2) A decision pursuant to subrule (1) shall include written reasons, unless the decision was to approve a reinstatement application without conditions.

May2026

Appeal of a Decision of the Executive Director

110.4 (1) A decision of the Executive Director under Rule 110.3(1)(a) and (c) may be appealed to the Reinstatement Committee if a notice of appeal is given to the Executive Director within 30 days after the applicant is provided with the written reasons for the decision.

(2) An appeal pursuant to subrule (1) of the Executive Director's decision will be

(a) on the record whereby the Reinstatement Committee will review

(i) the written material considered by the Executive Director,

(ii) the written decision of the Executive Director,

(iii) any submissions from the applicant and Society counsel, and

(iv) fresh evidence, where an application for fresh evidence is made by the applicant or the Society and granted by the Reinstatement Committee; and

(b) heard in private unless either party applies for and is granted a public hearing.

May2026

Decision on Appeal

110.5 Following consideration of an appeal under Rule 110.4, the Reinstatement Committee may

(a) dismiss the appeal,

(b) allow the appeal, or

(c) allow the appeal with conditions;

and shall give written reasons for their decision which will be published without naming the applicant.

May2026

SUBDIVISION 2

Reinstatement Committee's Hearing of Executive Director's Referral

111 When an application for reinstatement is referred pursuant to Rule 110.3(1)(d), the Reinstatement Committee hearing will proceed as follows:

(a) the application will be heard in private unless either party applies for and is granted a public hearing;

(b) the Committee will be provided with

(i) the application,

(ii) any investigation report,

(iii) any response to the investigation by the applicant,

(iv) any other materials the Executive Director considered in their review, and

(v) any memorandum prepared by the Executive Director setting out the reason for the referral;

(c) the applicant shall give oral evidence unless the Committee decides that it is not required;

(d) the applicant and the Society may produce before the Committee any other evidence relevant to the application; and

(e) at any time during the course of the hearing, the Committee may order an investigation, educational assessment, medical assessment and any other assessment deemed necessary, and may specify a person or body to carry out any investigation or assessment ordered.

May2026

Reinstatement Committee's Decision on Executive Director's Referral

111.1 On concluding the hearing pursuant to Rule 111, the Reinstatement Committee may

(a) deny the application,

(b) approve the application, or

(c) approve the application with conditions;

and shall give written reasons for its decision which will be published without naming the applicant.

May2026

Appeal of Reinstatement Committee's Decision on Executive Director's Referral

111.2 (1) A decision of the Reinstatement Committee under Rule 111.1 (a) or (c) may be appealed to the Benchers if a notice of appeal is given to the Executive Director within 30 days after the applicant is provided with the written reasons for the decision.

(2) Appeals under subrule (1) will be determined by a panel consisting of at least three Benchers appointed by the President or the President-Elect.

(3) An appeal pursuant to subrule (1) of the Reinstatement Committee's decision will be

(a) an appeal on the record whereby the panel of Benchers appointed to consider the appeal will review

(i) the written material considered by the Committee,

(ii) the written decision of the Committee,

(iii) the transcript of the hearing before the Committee,

(iv) any submissions from the applicant and Society counsel,

(v) fresh evidence, where an application for fresh evidence is made by the applicant or the Society and granted by the panel of Benchers appointed to consider the appeal; and

(b) heard by the Benchers in private unless either party applies for and is granted a public hearing.

May2026

Benchers' Decision on Appeal

111.3 Following the hearing of an appeal under Rule 111.2, the Benchers may

(a) dismiss the appeal,

(b) allow the appeal,

(c) allow the appeal with conditions;

and shall give written reasons for their decision which will be published without naming the applicant.

May2026

DIVISION 2

REINSTATEMENT PROCEEDINGS: DISBARRED OR RESIGNED IN THE FACE OF DISCIPLINE PROCEEDINGS

SUBDIVISION 1

Reinstatement Applications under Division 2

112 This Division applies to the following individuals who seek to reinstate:

(a) former members who were disbarred;

(b) former members who resigned in the face of discipline proceedings; or

(c) former students-at-law whose registrations were terminated by an order made under Part 3 of the Act, who for the purposes of applying this Division, will be deemed disbarred.

May2026

Application for Reinstatement

112.1 (1) An application for reinstatement under this Division must be submitted in the form acceptable to the Executive Director, include the prescribed application fees, and be accompanied by

(a) payment to the Society of a prescribed deposit as security for costs of the proceedings relating to the application for reinstatement, pursuant to subrule 112.3; and

(b) a statutory declaration containing particulars respecting the following matters and exhibiting documents relevant to those matters:

(i) the character and conduct of the applicant and particulars of the applicant's employment and business activities since the applicant's disbarment or resignation;

(ii) the names and addresses of medical practitioners, psychologists, counsellors or other health service practitioners

(A) who have treated or have been consulted by the applicant since the applicant's disbarment or resignation, and

(B) whose evidence might be relevant to the applicant's competence to practice;

(iii) the applicant's record of offences committed inside or outside Canada since the applicant's disbarment or resignation and in respect of which the applicant has pleaded guilty or has been found guilty, other than

(A) offences under municipal by-laws, Metis settlement council by-laws or Indian band council by-laws, or

(B) offences in respect of which the law permits the offender to voluntarily pay a fine without the need to appear before a court or justice to enter a plea and in respect of which the applicant voluntarily paid the fine;

(iv) if the applicant was granted a conditional discharge in respect of an offence referred to in clause (iii), particulars of the conditions and the current status of the applicant's compliance with the conditions in the probation period;

(v) if the applicant was convicted of a criminal offence and has been granted parole since being disbarred or allowed to resign, the applicant's parole record since disbarment or resignation and the names of the applicant's parole supervisors;

(vi) if the applicant has been the subject of any proceedings under the Bankruptcy and Insolvency Act (Canada) or the bankruptcy laws of another country, particulars of the proceedings and their current status;

(vii) if the applicant has any outstanding judgment debts, particulars of those debts;

(viii) the restitution of any property misappropriated or wrongfully converted by the applicant or the reason why full restitution has not been made;

(ix) the amounts that are, to the applicant's knowledge, owing by the applicant to the Society and the reason for non-payment;

(x) if the applicant has been a bankrupt, particulars of the applicant's debts to the Society that the applicant claims were extinguished as a result of the bankruptcy proceedings;

(xi) an explanation of and answer to any outstanding complaints to the Society respecting the applicant's conduct; and

(xii) any other matters which to the applicant's knowledge might be the subject matter of objections to the applicant's reinstatement.

(2) Notwithstanding anything in this Rule, an application for reinstatement under this Division may not proceed if the applicant is indebted to the Society for any amount, unless expressly authorized by the Benchers, with or without conditions.

May2026

Executive Director's Review

112.2 (1) The Executive Director shall review any application received under this Division in accordance with Rule 109.1 and may, at any time, direct an investigation to proceed in accordance with Rule 109.2.

(2) An investigator shall provide a report respecting any investigation directed pursuant to subrule (1) to the Executive Director.

(3) Following their review, the Executive Director shall refer the application to the Reinstatement Committee.

May2026

Security for Costs of Proceedings

112.3 (1) The applicant may be required by the Executive Director to deposit an amount, determined by the Executive Director, as security for costs attributable to any amounts that may become payable under Rule 109.7(1).

(2) Where security for costs is required in accordance with subrule (1), no further review, investigation or proceedings shall be taken with respect to the application for reinstatement until the deposit amount is received by the Society.

May2026

SUBDIVISION 2

Notice of a Hearing of the Reinstatement Committee Under this Division

113 (1) At least 60 days prior to the date fixed for the hearing, the Tribunal Office will provide public notice of the hearing by posting a notice to the Society's website and will send a notice to

(a) the applicant;

(b) all active members of the Society;

(c) the judges and clerks of the Court of Appeal, the Court of King's Bench and the Alberta Court of Justice and the Applications Judges Chambers;

(d) the secretaries of all extra-provincial law societies in Canada; and

(e) any other persons specified by the Executive Director.

(2) The Reinstatement Committee may commence and continue its proceedings despite any failure of compliance or irregularity in compliance with subrule (1).

May2026

Hearing of the Reinstatement Committee Under this Division

113.1 The Reinstatement Committee hearing under this Division will proceed as follows:

(a) the application will be heard in public unless

(i) the Committee otherwise directs on its own motion or by reason of section 112(2) of the Act that all or any part of it be heard in private, or

(ii) a party applies for and is granted a private hearing;

(b) the Committee will be provided with the following application materials:

(i) any materials provided pursuant to Rule 112.1,

(ii) any investigation report,

(iii) any response to the investigation by the applicant,

(iv) any other materials the Executive Director considered in their review, and

(v) any memorandum prepared by the Executive Director regarding the referral;

(c) the Committee will also be provided with the following historical records:

(i) when the applicant was disbarred under the Old Act, the record of the proceedings before the investigating committee and the Benchers leading to the disbarment,

(ii) when the applicant was disbarred under the Act or the Old Act, the hearing record before the Hearing Committee,

(iii) when the applicant resigned pursuant to section 32 of the Act in the face of Part 3 proceedings, the record of the resignation proceedings,

(iv) the discipline record of the applicant under Part 3 of the Act and Part 3 of the Old Act,

(v) if the Chair or Vice Chair of the Reinstatement Committee so directs, the decision and relevant records of any appeal by the applicant to the Benchers, Court of King's Bench or the Court of Appeal under Part 3 of the Act or Part 3 of the Old Act, and

(vi) the record of claims made against the Assurance Fund or Part A or Part B of the group policy and compensation paid from the Assurance Fund or the indemnity program fund by reason of the conduct of the applicant;

(d) the applicant shall give oral evidence unless the Committee decides that it is not required;

(e) the applicant or the Society may produce any other evidence that the applicant or Society chooses to produce or that the Committee requires;

(f) any other person may provide written submissions in support of, or in opposition to, the application, to be provided by the date set by the Tribunal Office; and

(g) at any time during the course of the hearing, the Committee may order an investigation, educational assessment, medical assessment and any other assessment deemed necessary, and may specify a person or body to carry out any investigation or assessment ordered.

May2026

Reinstatement Committee's Recommendation

113.2 (1) Following its hearing, the Reinstatement Committee shall submit a written report to the Executive Director including its findings and stating its recommendation of whether the application for reinstatement should be

(a) denied;

(b) approved; or

(c) approved with conditions.

(2) The Executive Director shall furnish copies of the Reinstatement Committee's report to the applicant and to each of the Benchers.

May2026

SUBDIVISION 3

Benchers' Consideration of the Reinstatement Committee's Report

114 (1) The Benchers shall consider the Reinstatement Committee's report submitted pursuant to Rule 113.2(1).

(2) Consideration of the Reinstatement Committee's report and the application for reinstatement shall be conducted by a panel of at least seven Benchers, one of whom must be a lay Bencher.

(3) Consideration of the Reinstatement Committee's report and the application for reinstatement will be heard by the Benchers in public unless

(a) the Benchers otherwise direct on their own motion or by reason of section 112(2) of the Act that all or any part of it be heard in private; or

(b) a party applies for and is granted a private hearing.

(4) Before commencing its consideration of the application for reinstatement under this Division, the Benchers shall be provided with copies of the following:

(a) the report of the Reinstatement Committee;

(b) all materials that were before the Reinstatement Committee;

(c) a transcript of the proceedings before the Reinstatement Committee; and

(d) any other documents considered by the President or President-Elect to be relevant to the application for reinstatement.

(5) The applicant, or the applicant's counsel, and the Society's counsel will be given an opportunity to be heard by the Benchers before the Benchers decide the application for reinstatement.

(6) Before deciding the application for reinstatement, the Benchers may do one or more of the following:

(a) refer the application for reinstatement and the report of the Reinstatement Committee back to the Committee with directions as to the actions to be taken in further consideration of the application for reinstatement;

(b) at any time during the course of the consideration, order any investigation, educational assessment, medical assessment and any other assessment, and may specify a person or body to carry out any investigation or assessment ordered; and

(c) receive fresh evidence, where an application for fresh evidence is made by the applicant or the Society and granted by the Benchers.

May2026

Benchers' Consideration Decision

114.1 (1) The Benchers, on concluding their consideration of the application for reinstatement, may

(a) deny the application,

(b) approve the application, or

(c) approve the application with conditions;

and shall give written reasons for their decision.

(2) A decision of the Benchers given pursuant to subrule (1) will be published with the Reinstatement Committee's report provided pursuant to Rule 113.2(1) as an appendix.

(3) On the denial of an application for reinstatement by the Benchers, no further application for reinstatement by the same person shall be accepted by the Executive Director until the expiration of two years following the denial or such longer or shorter period as may be prescribed by the Benchers.

May2026

Procedures Following Benchers' Consideration

114.2 (1) An application for reinstatement which has been approved under this Division is not effective until the Executive Director is provided with the following:

(a) any amounts owing to the Society or ALIA not already addressed by a repayment agreement,

(b) all assessments owing as defined in Rule 160(a) and the annual fee pursuant to Rule 163,

(c) all costs owing by the applicant to the Society by reason of Rule 109.7 and not covered by the security deposit or deposits furnished to the Society under this Division,

(d) proof that the applicant has complied with any pre-reinstatement conditions imposed by the Benchers, and

(e) proof that the applicant has been notified of any post-reinstatement conditions imposed by the Benchers;

and the applicant's reinstatement is entered in the Roll.

(2) The Benchers may suspend the requirements of subrule (1)(a) in whole or in part if the applicant has made arrangements satisfactory to the Benchers for the eventual payment to the Society of the whole of the amount otherwise required to be paid.

(3) When an applicant is reinstated as a member under this Division, the Executive Director:

(a) shall send a notice of the reinstatement to all persons within the classes described in section 85(1) of the Act and in Rule 113(1)(b) through (e); and

(b) when notice of the applicant's disbarment or resignation in the face of discipline proceedings had been given publicly by the Society in any way, may give notice of the reinstatement publicly in any manner the Executive Director considers appropriate.

May2026

Combined Reinstatement Committee Hearing and Benchers' Consideration

114.3 (1) Notwithstanding Rule 114, the Society may apply to the Reinstatement Committee, during a hearing pursuant to Rule 113.1 for a former member who resigned in the face of discipline proceedings, to combine the hearing and consideration pursuant to Rule 114 into a single hearing before the Reinstatement Committee.

(2) If an application made pursuant to subrule (1) is granted by the Reinstatement Committee, it will

(a) preclude the Tribunal Office from providing the report of the Committee to the Benchers, as required by Rule 113.2(2);

(b) end the application for reinstatement proceedings at the conclusion of the hearing by the Committee and submission of the Committee's report, pursuant to Rule 113.2(1);

(c) result in the implementation of the Committee's recommendation pursuant to Rule 113.2(1) as the final decision regarding the application for reinstatement; and

(d) result in the publication of the Committee's report, submitted pursuant to Rule 113.2(1).

(3) The Reinstatement Committee, when presiding over a hearing under this Rule, may award costs in accordance with Rule 109.7.

(4) A decision approving the application is not effective until the Executive Director is provided with the following:

(a) all payments required by Rule 114.2(1)(a) through (c),

(b) proof that the applicant has complied with any pre-reinstatement conditions imposed by the Reinstatement Committee, and

(c) proof that the applicant has been notified of any post-reinstatement conditions imposed by the Reinstatement Committee;

and the applicant's reinstatement is entered in the Roll.

(5) A reinstatement pursuant to this Rule is subject to the application of Rule 114.2(3).

May2026

Rules 115-118 are intentionally blank.

The next numbered Rule is Rule 119.

May2026

PART 5
TRUST ACCOUNTING AND CLIENT IDENTIFICATION AND VERIFICATION

DIVISION 1
INTERPRETATION AND AUTHORITY

Interpretation

119 In this Part,

(a) “account journal” means a recording, within the lawyer’s accounting system, for each general and trust account of the law firm, that lists all financial transactions for the account, chronologically, including all receipts, deposits, payments, withdrawals or transfers of money;

(b) "accountant" means a chartered professional accountant as defined in the *Chartered Professional Accountants Act* (Alberta);

(c) "Accountant’s Report" means the annual report prepared by the law firm’s accountant in accordance with subrule 119.38(3) or (4);

(d) “accounts receivable ledger” means a ledger which show amounts owed by the client to the law firm for legal services provided and billed;

(e) "approved depository" means a branch in Alberta

(i) of a chartered bank or trust company that is a member of the Canada Deposit Insurance Corporation,

(ii) a Credit Union or Caisse Populaire that is a member of the Credit Union Deposit Guarantee Corporation, and

(iii) a branch established under the *ATB Financial Act*;

and in respect of a law firm practising law from an office in the City of Lloydminster, includes a trust account in

(iv) a branch of a Canadian chartered bank located in the portion of the City of Lloydminster within Saskatchewan,

(v) a branch of a Credit Union or Caisse Populaire located in the portion of the City of Lloydminster within Saskatchewan, that is a member of the Credit Union Deposit Guarantee Corporation, and

(vi) a branch of a corporation located in the portion of the City of Lloydminster within Saskatchewan, if that corporation is registered as a loan corporation or trust corporation under *the Loan and Trust Corporations Act* (Alberta);

(f) “auditor” means a person designated by the Society to investigate, inspect, audit or review the records of a law firm or a lawyer;

(g) “bank” means approved depository;

(h) “client” means one or more persons who receive legal services from a lawyer;

(i) “controls” means processes and procedures implemented by a law firm to ensure the safety of trust money and trust property;

(j) "disbursement" means an amount paid by a law firm on behalf of a client of the law firm;

(k) “Designated Filing Date” means the fiscal year end date of December 31;

(l) “double entry basis” means a system of bookkeeping where each entry to an account requires a corresponding and opposite entry to a different account such that it is recorded as a debit to one account and a credit to another;

(m) “Electronic Data Upload” means the annual report prepared by the law firm in accordance with subrule 119.38(2) or (4);

(n) “Executive Director” includes the Manager, Trust Safety, and any other person designated by the Executive Director to perform any of the duties assigned to the Executive Director;

(o) “expenses” means costs incurred or charges levied by a lawyer or law firm in connection with the provision of legal services to a client which will be paid by the client, provided that the client has agreed to such costs or charges;

(p) "general account" means an account, other than a trust account, maintained by a law firm in connection with the law firm's legal practice;

(q) “Law Firm Self-Report” means the annual report prepared by the law firm in accordance with subrule 119.38(1);

(r) “lawyer” means an active member of the Society;

(s) "money" means a negotiable instrument and includes cash, cheques, bank drafts, credit card transactions, money orders, and electronic payments and transfers;

(t) "pooled trust account" means an interest-bearing trust account in an approved depository maintained in accordance with subsection 126(1) of the Act;

(u) "prescribed financial records" means records required to be maintained in accordance with Rules 119.34, 119.35, 119.36, 119.37 and 119.58;

(v) "responsible lawyer" means a lawyer designated approved as a responsible lawyer under Rule 119.11;

(w) "separate interest-bearing account" means trust money deposited with an approved depository in a low-risk interest-bearing investment vehicle, including Treasury Bills, guaranteed investment certificates, savings accounts, and term deposits, where the trust money is deposited on behalf of a specified client pursuant to an arrangement referred to in subsection 126(3) of the Act;

(x) “Start Up Report” means a report prepared and completed by a law firm in accordance with Rule 119.14;

(y) "trust account" means a pooled trust account or a separate interest-bearing account;

(z) “trust ledger” means a separate recording, within the lawyer’s accounting system, for each client matter, listing all transactions for that matter, including all receipts, deposits, payments, withdrawals or transfers of trust money;

(aa) "trust money" means

(i) money entrusted to or received or held by a lawyer

(A) for or on account of the lawyer’s clients or other persons,

(B) in the lawyer’s capacity as a barrister and solicitor,

(C) in connection with the lawyer’s practice in Alberta and the provision by the lawyer of legal services, and

(D) that belongs in whole or in part to a client, is received or held on a client's behalf, or that is held on a client’s direction or order, or

(ii) money received by a lawyer as a retainer, subject to subclause (iv), or on account of fees for services not yet rendered, on account of disbursements not yet made or on account of expenses not yet incurred,

but does not include

(iii) money received on account of the law firm’s fees, disbursements or expenses respecting services already performed and for which a written billing has been rendered and delivered or for which a written billing is rendered and forwarded forthwith after receipt of the money, or

(iv) money received as a general retainer where the client has signed a written general retainer acknowledgment, to be retained by the law firm, in accordance with Rule 119.16;

(bb) “trust property” means any property of value that belongs to a client or is received on a client’s behalf, other than trust money that can be negotiated or transferred by a lawyer or law firm.

Jan2022;Feb2025;Aug2026

Custodianships

119.1 (1) Where a custodian is appointed to have custody of the property of a lawyer and to manage or wind up the practice of the lawyer, the Act or any court orders related to the custodianship will supersede the Rules in this Part.

(2) The Society will work with the custodian to administer the custodianship in accordance with

(a) guidelines adopted by the Benchers with respect to custodianships, and

(b) the requirements of the Rules in this Part,

to ensure the proper administration of any trust accounts and to safeguard trust money or trust property that is in the custody of the custodian.

Jan2022

Disclosure of Privileged Information

119.2 (1) A lawyer or law firm may not refuse to give evidence, answer inquiries, or produce or make available any records or other property in compliance with the law firm's obligations under this Part on the grounds of solicitor and client privilege.

(2) The disclosure of privileged information to the Society is not a waiver of privilege for any other purpose.

(3) The Society shall not disclose or use any privileged information received under this Part for any purpose other than the administration of this Part, the administration of the Transaction and Filing Levy under Part 7 Division 1.2, or as authorized by the Act, including proceedings under Part 3 of the Act.

Jan2022

DIVISION 2
TRUST SAFETY COMMITTEE

Trust Safety Committee

119.3 (1) The Trust Safety Committee is established.

(2) The Committee considers matters assigned to it under Part 5 of the Rules.

(3) The Committee sits in panels of three members.

(4) The Chair or Vice-Chair of the Committee appoints the panel members.

(5) If panel proceedings have commenced,

(a) a panel member who ceases to be a member of the Committee may continue to act as a member of the panel in those proceedings; and

(b) if a panel member is unable to continue with the proceedings, notwithstanding subrule (3), the remaining members of the panel will constitute a quorum of the panel, provided that there continues to be at least two panel members.

(6) Notwithstanding subrule (3), adjudications under subrule 119.43(5)(b) may be adjudicated by a panel of one member.

Jan2022

Trust Safety Committee Process

119.4 (1) To commence a hearing under this Part, the Tribunal Office must serve the lawyer who is appealing a decision with

(a) a Letter of Appointment, which confirms the panel composition for the matter; and

(b) notice of the materials to be provided to the panel.

(2) The panel hearing the matter shall determine the process to be followed in accordance with the Act, the Rules, the principles of natural justice and the circumstances of the matter.

(3) If the panel requests oral submissions, the hearing must be conducted in private and the panel must comply with Rule 98 as to persons present at a hearing, exhibits and records of the Society.

(4) The panel must provide a written decision and written reasons for its decision.

(5) A copy of the decision and reasons must be provided to the applicant.

(6) The decision of the panel is final.

Jan2022

Appeals to the Trust Safety Committee

119.5 (1) A lawyer may appeal the Executive Director's decision under subrules 119.11(3), 119.12(3), 119.13(3), and clauses 119.42(5)(b), (c), (d) or (e), or 119.61(1)(a), (b), (c), (d), (e) or (f) to the Trust Safety Committee.

(2) A lawyer who wishes to appeal a decision must provide the Tribunal Office with written notice of the appeal no later than 14 days after being provided with the Executive Director's decision.

(3) The Trust Safety Committee panel will decide an appeal on the basis of

(a) the materials that were before the Executive Director; and

(b) the written reasons for the Executive Director's decision.

(4) The panel may also consider additional materials and submissions provided by the lawyer or the Executive Director

(a) at the panel's request; or

(b) if the panel consents to hear an application to admit fresh evidence and allows such evidence to be admitted.

(5) Upon hearing an appeal, the panel may

(a) allow or dismiss the appeal; and

(b) add to, remove or amend any conditions imposed by the Executive Director.

Jan2022

DIVISION 3
APPROVAL FOR LAW FIRMS AND LAWYERS

Required Approvals for Lawyers and Law Firms

119.6 (1) Before beginning to operate its law practice, a law firm in Alberta must obtain, and thereafter maintain, the following approvals:

(a) designation of a responsible lawyer, and

(b) authorization to operate a trust account,

(2) A law firm in Alberta may apply for an exemption from operating a trust account in accordance with Rule 119.13.

Jan2022

Required Approvals for Lawyers Exempt from the Professional Liability Indemnity Levy

119.7 (1) A lawyer who has an exemption from the professional liability indemnity assessment levy under Rule 148(1)(b) or (c) may be designated as a responsible lawyer and receive approval to operate a trust account, notwithstanding that the lawyer does not work for a law firm in Alberta, if:

(a) the lawyer applies for and obtains the necessary approvals required under Rule 119.6;

(b) the lawyer obtains misappropriation indemnity coverage from ALIA;

(c) all trust money deposited into the trust account is disbursed for the benefit of the organization who employs or contracts with that lawyer; and

(d) the lawyer otherwise complies with the Rules set out in this Part.

(2) A lawyer referred to under this Rule shall be deemed the sole owner of a law firm for purposes of this Part.

Jan2022

Alternate Arrangements

119.8 (1) Subject to Rule 119.7, only a lawyer who practises with a law firm approved to operate a trust account is permitted to receive trust money.

(2) Notwithstanding subrule (1), the Executive Director may approve the following alternate arrangements:

(a) a lawyer approved as a responsible lawyer is permitted to receive trust money when

(i) the trust money received will be held in the trust account of another law firm approved to operate a trust account, and

(ii) the lawyer does not practise with that law firm; or

(b) a law firm approved to operate a trust account is permitted to hold trust money when

(i) the trust money is received by a lawyer approved as a responsible lawyer, and

(ii) the lawyer in receipt of the trust money does not practise with that law firm.

(3) An alternate arrangement approved under subrule (2) may not be used to hold trust money received in respect of a real estate transaction.

(4) Notwithstanding subrule (1), a lawyer who is a member of the Society,

(a) whose principal practice of law is carried on outside Alberta;

(b) who has no affiliation with a law firm in Alberta; and

(c) who accepts trust money from Alberta clients

must ensure that all trust money received from Alberta clients is

(d) received by a lawyer who is a member of the Society entitled to practise law in Alberta, promptly deposited into a trust account controlled by that lawyer in Alberta, and dealt with in accordance with the Act and these Rules; or

(e) promptly remitted into the lawyer's trust account where their principal practice of law is located and dealt with in accordance with the rules or bylaws of the law society of that province or territory.

Jan2022

Requirements to be a Responsible Lawyer

119.9 To be a responsible lawyer or a secondary responsible lawyer, a lawyer must

(a) be an active member of the Society

(i) covered by the professional liability indemnity program,

(ii) covered by equivalent insurance in another province, or

(iii) exempt under Rule 148(1)(b);

(b) be covered by the misappropriation indemnity program or equivalent insurance in another province; and

(c) reside in Canada.

Jan2022

Accountabilities of a Responsible Lawyer

119.10 (1) The responsible lawyer is accountable for

(a) the controls in relation to and the operation of all law firm trust accounts and general accounts;

(b) ensuring compliance with this Part of the Rules;

(c) documenting evidence of review and oversight of the actions taken to ensure compliance with this Part of the Rules;

(d) the accuracy of all reporting and filing requirements of the law firm;

(e) ensuring all reporting and filing requirements of the law firm are met; and

(f) ensuring all payment requirements of the law firm, related to this Part of the Rules, are met.

(2) There must be only one responsible lawyer acting for a law firm at any one time, unless otherwise authorized by the Executive Director.

(3) A secondary responsible lawyer from the same law firm may act in the absence of the responsible lawyer.

(4) The responsible lawyer remains accountable for acts of the secondary responsible lawyer taken in the absence of the responsible lawyer.

(5) The responsible lawyer may delegate the ability to take action under the items in subrule (1) to another person, including a secondary responsible lawyer who may be delegated such ability to act when the responsible lawyer is present.

(6) The responsible lawyer remains accountable for any actions taken under subrule (1) that are delegated to another person, including a secondary responsible lawyer.

Jan2022

Approval to be a Responsible Lawyer

119.11 (1) An application to be a responsible lawyer or a secondary responsible lawyer must be submitted to the Executive Director, using the form and prescribed filing method approved by the Executive Director.

(2) The Executive Director may require the applicant to answer any inquiries or to furnish any records that the Executive Director considers relevant to the review of the application.

(3) After reviewing the application, the Executive Director may

(a) approve the application with or without conditions; or

(b) deny the application.

(4) The Executive Director must provide the applicant with a written decision and written reasons for their decision when an application is denied or when conditions are imposed on an approval.

(5) The applicant may appeal the Executive Director's decision under subrule (3) to the Trust Safety Committee.

(6) The approval to be a responsible lawyer will continue provided that the responsible lawyer:

(a) continues to meet the requirements to be a responsible lawyer;

(b) remains able to fulfill their duties;

(c) complies with any conditions imposed upon their approval to be a responsible lawyer; and

(d) complies with the Rules in this Part.

(7) The approval to be a responsible lawyer may be revoked pursuant to Rule 119.61.

(8) A lawyer may serve as a responsible lawyer for only one law firm, unless otherwise approved by the Executive Director.

Jan2022

Approval to Operate a Trust Account

119.12 (1) A law firm's responsible lawyer must apply for approval to operate a trust account by

(a) submitting an application to the Executive Director using the form and prescribed filing method approved by the Executive Director; and

(b) agreeing to use a Society approved accounting program, unless exempted from this requirement by the Executive Director.

(2) The Executive Director may require the applicant to answer any inquiries or to furnish any records that the Executive Director considers relevant to the review of the application.

(3) After reviewing the application, the Executive Director may

(a) approve the application, with or without conditions; or

(b) deny the application.

(4) The Executive Director must provide the applicant with a written decision and written reasons for their decision when an application is denied or when conditions are imposed on an approval.

(5) The applicant may appeal the Executive Director's decision under subrule (3) to the Trust Safety Committee.

(6) The approval to operate a trust account will continue provided that the law firm

(a) has a responsible lawyer approved by the Executive Director;

(b) complies with any conditions imposed upon the approval to operate a trust account; and

(c) complies with the Rules in this Part.

(7) The approval to be operate a trust account may be revoked pursuant to Rule 119.61.

Jan2022

Approval for Exemption from Operation of a Trust Account

119.13 (1) A law firm's responsible lawyer may apply to be exempt from operating a trust account by

(a) submitting an application to the Executive Director using the form and prescribed filing method approved by the Executive Director; and

(b) acknowledging the requirement to operate a general account and comply with the Rules in this Part as they apply to the general account.

(2) The Executive Director may require the applicant to answer any inquiries or to furnish any records that the Executive Director considers relevant to the review of the application.

(3) After reviewing the application, the Executive Director may

(a) approve the application, with or without conditions; or

(b) deny the application.

(4) The Executive Director must provide the applicant with a written decision and written reasons for their decision when an application is denied or when conditions are imposed on an approval.

(5) The applicant may appeal the Executive Director's decision under subrule (3) to the Trust Safety Committee.

(6) The responsible lawyer must apply for a renewal of the approval for an exemption from operating a trust account upon any change in the circumstances of the law firm.

Jan2022

Start Up Reporting Requirements

119.14 A law firm must, within four months of being approved to operate a trust account, provide to the Executive Director a completed a Start Up Report, using the form and prescribed filing method approved by the Executive Director.

Jan2022

DIVISION 4
TRUST AND GENERAL ACCOUNT OPERATION REQUIREMENTS

APPROVED DEPOSITORY (BANK) ACCOUNTS

General Accounts

119.15 (1) A law firm must maintain at least one general bank account, in the name of the law firm, at an approved depository in the province of Alberta.

(2) A general account must not be used

(a) for any banking purpose not related to the law firm's business; or

(b) to conduct personal banking.

Jan2022

General Retainer Acknowledgment

119.16 (1) A law firm may deposit money received as a general retainer directly into its general account if the client has signed a written acknowledgment stating that:

(a) the money is non-refundable;

(b) the money belongs to the law firm immediately upon receipt;

(c) the law firm is not obliged to account for the money or render services with respect to the money; and

(d) the client understands that services may never be rendered in respect of the money.

(2) The law firm must retain the written acknowledgment referred to in subrule (1).

Jan2022

Pooled Trust Accounts

119.17 (1) Only a law firm approved to operate a trust account, that subsequently maintains a pooled trust account, may hold trust money.

(2) After a law firm receives approval to operate a trust account, it may maintain at least one pooled trust account in the name of the law firm.

(3) Each pooled trust account must be maintained with an approved depository in the province of Alberta and be designated as a trust account.

(4) All bank statements, cheques and other documents created for a pooled trust account must clearly indicate that the type of account is a trust account.

(5) A law firm that operates a pooled trust account must

(a) instruct the approved depository to remit the interest earned on that account to the Alberta Law Foundation, at least semi-annually;

(b) obtain from the approved depository on an annual basis, evidence that the interest earned on that account has been remitted to the Alberta Law Foundation; and

(c) provide the evidence obtained under clause (b) to the Society, upon request.

(6) The interest remitted to the Alberta Law Foundation, under subrule (4) becomes the property of the Alberta Law Foundation upon receipt.

(7) A lawyer is not liable to account to any client for interest earned on trust money deposited into a pooled trust account.

Jan2022

Separate Interest-Bearing Accounts

119.18 (1) A law firm may, after first depositing trust money into a pooled trust account, transfer trust money into a separate interest-bearing account in accordance with this Rule.

(2) When transferring trust money into a separate interest-bearing account,

(a) the separate interest-bearing account must be opened in the name of the law firm in trust for the client;

(b) the name of the bank account must include a reference to the specific client; and

(c) the separate interest-bearing account must be recorded in the law firm trust account financial records.

(3) Where interest is earned and deposited on a separate interest-bearing account held for a client,

(a) the interest is the property of the client; and

(b) the amount of the interest must be credited to the client's trust ledger

(i) when the law firm is informed of the amount of the interest earned, and

(ii) not later than the next monthly bank reconciliation of the separate interest-bearing account required to be made pursuant to Rule 119.37.

(4) When transferring trust money into or out of a separate interest-bearing account, a law firm may only transfer trust money

(a) from a pooled trust account of the law firm to a separate interest-bearing account maintained by the law firm in the same approved depository; or

(b) from a separate interest-bearing account maintained by the law firm to a pooled trust account maintained by the law firm in the same approved depository.

(5) Trust money must be transferred in accordance with subrule (4) by an approval in compliance with Rule 119.27, and in compliance with Rule 119.30 if transferred by cheque, showing:

(a) the amount of the transfer;

(b) the date of the transfer;

(c) the pooled trust account and separate interest-bearing account involved; and

(d) sufficient information to identify the client.

(6) Withdrawals from a separate interest-bearing account must be returned to a pooled trust account before being disbursed.

Jan2022

Prohibition on Use of Trust Accounts – National Rule

119.19 (1) A lawyer must pay into and withdraw from, or permit the payment into or withdrawal from, a trust account only trust money that is directly related to legal services that the lawyer or the lawyer's law firm is providing.

(2) A lawyer must pay out trust money held in a trust account as soon as practicable upon completion of the legal services to which the trust money relates.

Nov2010;Jan2022

Prohibition on Benefiting from a Trust Account

119.20 (1) A lawyer or law firm must not receive any benefit as a result of, or connected in any way with, depositing or maintaining trust money in a trust account.

(2) A lawyer or law firm must not permit any person, other than a client on whose behalf the trust money is held or the Alberta Law Foundation, to receive any benefit as a result of, or connected in any way with, the lawyer or law firm depositing or maintaining trust money in a trust account.

(3) Subrules (1) and (2) do not apply to fees that the approved depository charges against the trust account.

Jan2022

RECEIPT OF TRUST MONEY

Conditions Upon Which Money is Held in Trust

119.21 (1) When receiving trust money from a client, a lawyer must obtain from the client, in writing:

(a) confirmation that the money is to be held in trust;

(b) any conditions upon which the money is to be held in trust, including if transferred to or from a separate interest-bearing account; and

(c) any instructions directing that the trust money be paid to a person other than the client.

(2) In the event another person provides money to the lawyer, to be held in trust on behalf of or for the benefit of a client, the lawyer must obtain an agreement from the other person and the client with regard to any conditions upon which the money is to be held in trust, the use of the funds during the retainer and the manner in which any excess trust money will be disbursed, either at the conclusion of the client's legal matter or upon termination of the retainer.

(3) In the absence of an agreement pursuant to subrule (2), money, provided by another person to be held in trust on behalf of or for the benefit of a client, must be held in trust until the conclusion of the client's legal matter, may only be transferred or withdrawn for payment of a billing for fees, disbursements and expenses associated with the client's legal matter, and the person who provided the money is entitled to any refund of unused trust money at the conclusion of the legal work for which the money was provided or upon termination of the retainer.

(4) A lawyer must, upon request of the client or in compliance with any agreement made pursuant to subrule (2), provide any information sought with respect to

(a) the current balance of trust money held for the client;

(b) any previous balance of trust money held for the client;

(c) how the balance is or was calculated; or

(d) a list of transactions relating to the trust money held for the client.

Jan2022

Receiving Trust Money Into and Restrictions on Use of Trust Accounts

119.22 (1) A law firm that receives trust money on behalf of a client must deposit the trust money into a pooled trust account of the law firm by the next banking day.

(2) Trust money must not be withdrawn for a client's matter from a pooled trust account of a law firm or transferred to any other account until subrule (1) has been completed.

(3) A trust account of a law firm must be used only for the deposit and retention of trust money received by the law firm and not as a general account by or for the law firm, except as follows:

(a) money belonging to the law firm may be paid into a trust account of the law firm with respect to an isolated transaction if the money is paid out promptly;

(b) money paid to the law firm that belongs in part to the law firm and in part to another person must be paid into a trust account where it is impractical to split the payment;

(c) trust money withdrawn from a trust account by mistake, by accident or in contravention of these rules must be replaced immediately; and

(d) the law firm may maintain not more than $500 of the law firm's own money in each of the law firm's pooled trust accounts, recorded in a trust ledger in the name of the law firm.

(4) A lawyer or law firm is permitted to handle its own legal transactions through a trust account if the money is handled in the normal course of a legal file and the money is paid out promptly when the matter is concluded.

Jan2022

METHODS OF RECEIVING MONEY

Electronic Deposits

119.23 A law firm may receive money into a law firm account through electronic means subject to the following conditions:

(a) the law firm must obtain a confirmation from the approved depository or remitter of the money within two banking days of receiving the money;

(b) if practicable, the law firm must request that the confirmation include the name of the client, the file number, or both; and

(c) the law firm must retain the confirmation.

Jan2022

ATM Deposits

119.24 (1) A law firm may deposit money into its accounts using an automated teller machine (ATM) subject to the following conditions:

(a) an ATM card for a trust account must be restricted to deposit only;

(b) trust money must be deposited directly into a pooled trust account of the law firm by the next banking day; and

(c) the payor, client name and file number, if applicable, must be recorded on all ATM receipts.

(2) The deposit must be recorded in the applicable account journal and the ATM receipt must be attached to the deposit slip.

Jan2022

Credit and Debit Card Receipts

119.25 A law firm may receive money by credit or debit cards subject to the following conditions:

(a) trust money must be deposited within two banking days directly into a trust account;

(b) money received by credit or debit card as payment for fees, disbursements or expenses, or received as a general retainer must be

(i) deposited directly into a general account, or

(ii) deposited into a trust account subject to the following conditions:

(A) the money received for fees, disbursements or a general retainer must be transferred promptly to the general account,

(B) the law firm must maintain a trust ledger recording the deposit and transfer of the money, and

(C) the trust ledger must identify the client on whose behalf the money was transferred to the general account;

(c) the payor, client name and file number must be recorded on the credit or debit card receipt;

(d) the word "Trust" must be recorded on the credit or debit card receipt for all trust money received; and

(e) the receipt of money must be recorded in the applicable account journal and the credit or debit card receipt must be attached to the deposit slip.

Jan2022

RECEIPT OF TRUST PROPERTY

Trust Property

119.26 When a law firm receives trust property, it must:

(a) promptly notify the client that it received the property;

(b) immediately label or otherwise identify the property as the client's property;

(c) maintain a record of the property, including a reasonable estimate of the value of each item of property;

(d) keep the property safe and secure;

(e) prohibit persons not entitled to do so from having access to the property; and

(f) provide the client with information the client seeks regarding the property.

Jan2022

WITHDRAWAL OF TRUST MONEY

Approvals of Withdrawals or Transfers of Trust Money

119.27 (1) All withdrawals and transfers of trust money must be approved by a lawyer of the law firm, with any such approval recorded in paper or digital form and maintained with the monthly reconciliation of the law firm's trust accounts.

(2) A lawyer's approval pursuant to subrule (1) is deemed to certify that

(a) the trust accounting records are current to the date of the signature;

(b) the withdrawal is properly required for payment for the legal matter for which the law firm was retained by the client;

(c) the trust money is not subject to trust conditions or restricted for another purpose;

(d) the lawyer has the client's explicit authority to make the withdrawal, pursuant to subrule 119.21(2), if applicable;

(e) the client has sufficient trust money to cover the withdrawal; and

(f) the trust account has sufficient trust money to permit the withdrawal to be completed.

(3) Notwithstanding subrule (1), a responsible lawyer may apply to the Executive Director for approval to provide temporary authority to a lawyer of another law firm to approve withdrawals and transfers from the law firm's trust account, and the approval must be recorded in paper or digital form and maintained with the monthly reconciliation of the law firm's trust accounts.

(4) Where an approval under subrule (3) ceases to be in effect, the responsible lawyer will ensure that the lawyer with temporary authority is unable to access the trust account at the approved depository where the trust account is located.

Jan2022

Withdrawals or Transfers of Trust Money

119.28 (1) A law firm may only withdraw or transfer trust money

(a) by cheque, money order or bank draft;

(b) by transfer to an account at an approved depository that is kept in the name of the law firm and is not a pooled trust account;

(c) by transfer between a pooled trust account and a separate interest-bearing trust account in accordance with Rule 119.18;

(d) electronically; or

(e) in cash, pursuant to subrule 119.57(4)(d).

(2) Trust money must not be withdrawn or transferred unless it

(a) is required for

(i) a payment to the client for whom the trust money is held,

(ii) a payment to any other person which has been authorized under clause 119.21(1)(c), or

(iii) a payment to any other person which has been authorized under subrule 119.21(2);

(b) is required for payment of a billing for fees, disbursements or expenses, but only if the withdrawal is made in compliance with Rule 119.27;

(c) is being transferred directly into another trust account of the law firm;

(d) has been paid into a trust account by mistake, by accident or in contravention of these Rules and is transferred or withdrawn to correct the error;

(e) is paid to the law firm and has been deposited in a trust account because the payment to the law firm belonged in part to the law firm and in part to another; or

(f) is required for a payment pursuant to a court order.

(3) Trust money may be withdrawn or transferred pursuant to clause (2)(b), in accordance with either of the following conditions:

(a) to reimburse the law firm for a disbursement made by the law firm if

(i) the law firm has prepared a billing respecting the disbursement, and

(ii) the law firm either

(A) delivers the billing to the client before the withdrawal or transfer, or

(B) forwards the billing to the client concurrently with the withdrawal or transfer; or

(b) to pay for the law firm's fees for services or expenses if

(i) the law firm has prepared a billing for the services or expenses,

(ii) the billing relates to services actually provided or expenses actually incurred and is not based on an estimate of the services or expenses, and

(iii) the law firm either

(A) delivers the billing to the client before the withdrawal or transfer, or

(B) forwards the billing to the client concurrently with the withdrawal or transfer.

(4) When trust money becomes payable to a law firm, it must be withdrawn or transferred no later than one month, or as soon as practicable, after the law firm becomes entitled to the money.

Jan2022;Oct2025

Withdrawals of Service Charges and Transaction Fees Related to a Trust Account

119.29 (1) All service charges and transaction fees related to a trust account must be withdrawn or paid from the law firm general account or from the law firm's own money maintained within the trust account, as permitted in clause 119.22(3)(c).

(2) If a law firm does not maintain a general account at the same bank where it maintains a trust account, the law firm must maintain the law firm's own money within the trust account, as permitted in clause 119.22(3)(c), to pay any service charges and transaction fees.

Jan2022

Withdrawals by Cheque

119.30 (1) If trust money is withdrawn by cheque,

(a) it must be withdrawn by consecutively numbered cheques;

(b) the cheque must bear the signature of a lawyer authorized to sign the cheque; and

(c) a non-lawyer may provide a second signature on the cheque.

(2) A lawyer must not sign a blank cheque but may sign a cheque pursuant to subrule (1) only after ensuring that the cheque:

(a) clearly indicates that it is a cheque drawn on a trust account;

(b) is not made payable to cash or bearer except where required to return cash to a person under subrule 119.57(4)(d);

(c) is made payable to the ultimate recipient;

(d) if the payee is an approved depository, provides a reason for payment in the memo field of the cheque;

(e) is dated, but not post-dated; and

(f) is fully completed as to the correct payee and amount.

Jan2022

Electronic Banking Withdrawals

119.31 (1) If trust money is withdrawn electronically the law firm must ensure each law firm user with access to the electronic banking platform has a unique user log-in and password or access code.

(2) The law firm must use a dual authentication process within the electronic banking platform permitting, following approval of a withdrawal under Rule 119.27:

(a) an authorized law firm user, using their unique password, to create a withdrawal within the electronic banking platform; and

(b) a second authorized law firm user, using their unique password, to execute the withdrawal.

(3) The approving lawyer must

(a) complete an electronic banking withdrawal form using the form prescribed by the Executive Director, maintained with the monthly reconciliation of the law firm's trust accounts; or

(b) retain the following information, for each withdrawal, with the client file:

(i) reason for the withdrawal,

(ii) method of withdrawal,

(iii) client name and matter number,

(iv) recipient name,

(v) the recipient's written instructions, including the

(A) destination account name,

(B) destination account number, and

(C) name of approved depository, and

(vi) confirmation from the approved depository, produced within two banking days of a withdrawal, showing the details of the withdrawal, including the

(A) date of the withdrawal,

(B) amount of the withdrawal,

(C) source account number, and

(D) destination account name and number, if available.

Jan2022

Bank Drafts and Money Orders

119.32 (1) If trust money is withdrawn by a bank draft or money order, the approving lawyer must

(a) obtain the recipient's written authorization to receive the trust money in the form of a bank draft or money order;

(b) document the transaction using the designated form prescribed by the Executive Director;

(c) purchase the money order only at an approved depository where the law firm has a pooled trust account;

(d) maintain a copy of the bank draft or money order on the client's file; and

(e) obtain the recipient's written acknowledgment of receipt of the trust money.

(2) The lawyer must maintain the documentation set out in subrule (1) with the client file.

Jan2022

TRUST MONEY TRANSFERS BETWEEN TRUST LEDGERS

Transfers between Trust Ledgers

119.33 (1) Trust money may be transferred between trust ledgers only pursuant to a transfer document

(a) signed and dated by a lawyer; and

(b) showing

(i) the date the transfer was approved,

(ii) the date of transfer,

(iii) the source file, and

(iv) the destination file.

(2) The transfer document must be maintained with the client file.

Jan2022

RECORD RETENTION

Financial Transactions and Records

119.34 (1) A law firm must record all financial transactions related to its legal practice, using a permanent and legible format.

(2) A law firm's financial transactions must

(a) record, on a double entry basis, all money received and paid out in connection with the law firm's practice of law within Alberta; and

(b) show and distinguish

(i) all receipts and payments of money by the law firm, and

(ii) the balances of money held by the law firm.

(3) A law firm must keep a current record of the financial transactions in subrules (1) and (2).

(4) A law firm must

(a) on a monthly basis, print or digitally capture the financial records for all

(i) trust accounts, with the exception of client trust ledgers provided they can be retrieved upon demand,

(ii) general accounts, with the exception of the accounts receivable ledgers, provided they can be retrieved upon demand; and

(b) at the conclusion of every client matter, retain,

(i) in a central file maintained for closed ledgers, the client trust ledger and accounts receivable ledger for that client matter, and

(ii) a copy of the client trust ledger and accounts receivable ledger for that client matter.

(5) A law firm must not release the financial records and client files of current or former clients to a person other than a lawyer.

(6) Notwithstanding subrule (5), a law firm may release the financial records and client files to a person other than a lawyer if the law firm retains or makes a copy of the parts of the records or files required to be maintained as prescribed financial records in Rule 119.35, with the copy then deemed to be an original for the purposes of the Act and the Rules.

(7) A record of all financial records and client files released in accordance with subrules (5) and (6) must be maintained showing:

(a) a list of the financial records and client files released;

(b) the date of the release, and

(c) the acknowledgment of the receiving lawyer or person of receipt of the financial records and client files.

Jan2022

Prescribed Financial Records

119.35 (1) A law firm must maintain all prescribed financial records in a safe and secure location, retrievable on demand, for a minimum of ten full years.

(2) A law firm's prescribed financial records must include:

(a) a separate billing journal showing

(i) all fees, disbursements and expenses charged to clients,

(ii) the dates of the statements of account for those fees, disbursements and expenses, and

(iii) the names of the clients;

(b) a chronological accounts receivable ledger to record the law firm-client position for each client, showing

(i) statements of account rendered,

(ii) payments on account,

(iii) the date of each transaction, and

(iv) a continual running balance owing; and

(c) other records including

(i) bank statements,

(ii) negotiated cheques or images of negotiated cheques,

(iii) detailed duplicate deposit slips for all transactions within trust accounts and general accounts,

(iv) credit and debit card slips,

(v) electronic banking transaction confirmations and records,

(vi) invoices or client bills and statement of accounts issued to the clients,

(vii) the law firm's book of duplicate receipts and a record of cash payments for cash transactions required under Rule 119.58, and

(viii) such parts of client files that are necessary to support the financial transactions.

(3) Additional prescribed financial records for general accounts must include all records required to complete the general bank account reconciliation under Rule 119.36.

(4) Additional prescribed financial records for trust accounts must include:

(a) all of the records required to complete the trust account reconciliation under Rule 119.37;

(b) a detailed report listing each of the client trust ledgers that shows the trust account activity for each individual client matter, where each client trust ledger shows:

(i) the client name, file number and description of the matter,

(ii) a chronological listing showing:

(A) all receipts of money including

(I) the date on which the money is received,

(II) the source of the money,

(III) the amount of money received,

(IV) the receipt number, and

(V) a description of the nature of the deposit,

(B) all withdrawals and transfers of money including

(I) the date on which a cheque is issued or money is withdrawn or transferred,

(II) the name of the recipient of the withdrawal or transfer or the payee of any payment associated with the withdrawal,

(III) the amount of the withdrawal or transfer,

(IV) the cheque or transfer number, and

(V) a description of the nature of the withdrawal or transfer, and

(iii) the running balance of the total amount in each trust ledger; and

(c) a central record of all non-monetary client trust property received from and returned to the client by the law firm.

(5) A law firm using a Society approved accounting program must:

(a) maintain an electronic backup of the prescribed financial records in a safe and secure location;

(b) on a monthly basis, update the electronic backup of all prescribed financial records; and

(c) semi-annually, restore and test the electronic backup.

Jan2022

Monthly Reconciliation of General Accounts

119.36 (1) A law firm must reconcile its general accounts no later than the end of the following month.

(2) The reconciliation of each general account must include

(a) a summary, that shows a comparison between

(i) the total of the bank balance of each general account of the law firm, as recorded by the approved depository,

(ii) the total of the bank balance noted in each general account journal of the law firm, and

(iii) any identified unreconciled differences, together with the reasons for and steps taken to correct any differences once identified;

(b) a detailed report for each general account that includes a listing of

(i) all cleared cheques,

(ii) all cleared deposits,

(iii) all uncleared cheques, including outstanding cheques itemized by date, cheque number, payee and amount,

(iv) all uncleared deposits, including deposits in transit,

(v) all adjustments and errors, including their description, and

(vi) any other items necessary for the reconciliation, including all details and explanations for each item;

(c) a chronological general account journal for each general account showing

(i) all receipts of money, including

(A) the date on which the money is received,

(B) the source of the money,

(C) the form in which the money is received,

(D) the amount of money received,

(E) the receipt number, and

(F) the client name and file number, if applicable,

(ii) all withdrawals and transfers of money, including

(A) the date on which the money is withdrawn or transferred

(B) the name of the recipient of the withdrawal or transfer or the payee of any payment associated with the withdrawal,

(C) the amount of the withdrawal or transfer,

(D) the cheque or transfer number, and

(E) the client name and file number, if applicable, and

(iii) the running balance of the total amount in the general account;

(d) a bank statement for each general account;

(e) the original printed copy or digital image of all negotiated cheques; and

(f) evidence of the review and oversight of the monthly reconciliation records, including the dates on which the reconciliation was prepared and reviewed.

Jan2022

Monthly Reconciliation of Trust Accounts

119.37 (1) A law firm must reconcile its trust accounts no later than the end of the following month.

(2) The reconciliation of each trust account must include

(a) a summary which shows a comparison between

(i) the total of the bank balance of each trust account of the law firm, as recorded by the approved depository,

(ii) the total of the bank balance noted in each trust account journal of the law firm,

(iii) a listing of the trust balance for each client and matter, and

(iv) any identified unreconciled differences, together with the reasons for and steps taken to correct any differences once identified;

(b) a detailed report for each trust account that includes a listing of

(i) all cleared cheques,

(ii) all cleared deposits,

(iii) all uncleared cheques, including outstanding cheques itemized by date, cheque number, payee and amount,

(iv) all uncleared deposits, including deposits in transit,

(v) all adjustments and errors, including their description, and

(vi) any other items necessary for the reconciliation, including all details and explanations for each item;

(c) a listing of the trust balance for each client and matter, noted on each trust ledger, including the date of the last transaction noted on each trust ledger;

(d) a chronological trust account journal for each trust account showing

(i) all receipts of trust money, including

(A) the date on which the trust money is received,

(B) the source of the trust money,

(C) the form in which the trust money is received,

(D) the amount of trust money received,

(E) the receipt number, and

(F) the client name and file number,

(ii) all withdrawals and transfers of trust money, including all transfers between client trust ledgers, including

(A) the date on which the trust money is withdrawn or transferred,

(B) the name of the recipient of the withdrawal or transfer or the payee of any payment associated with the withdrawal,

(C) the amount of the withdrawal or transfer,

(D) the cheque or transfer number,

(E) the client name and file number, and

(F) in the case of transfers between client trust ledgers, the client name and file number for both the source and destination of the trust money, and

(iii) the running balance of the total amount in the trust account;

(e) a report showing all transfers of trust money between client trust ledgers;

(f) all transfer documents signed and dated by a lawyer showing the date the transfer was approved, the date of transfer, source file, destination file and amount;

(g) a bank statement for each trust account;

(h) the original, printed copy or digital image of all negotiated cheques;

(i) electronic banking transaction confirmations and records; and

(j) evidence of the review and oversight of the monthly reconciliation records, including the dates on which the reconciliation was prepared and reviewed.

(3) A law firm

(a) must continue to review trust ledgers for any client matters that have been inactive for more than two years and maintain a monthly record of the review; and

(b) following two years of inactivity on a client matter, may make an application under section 117 of the Act and Rule 119.43 to submit any trust money associated with the client matter to the Society.

Jan2022

DIVISION 5
ANNUAL REPORTING REQUIREMENTS

Annual Reporting Requirements

119.38 (1) A law firm must annually

(a) by March 31, provide to the Executive Director a completed Law Firm Self-Report using the form and prescribed filing method approved by the Executive Director;

(b) retain, as part of the law firm's prescribed financial records, a copy of every Law Firm Self-Report submitted under clause (a); and

(c) grant written authorization to the Society to obtain law firm bank account information directly from the law firm's bank.

(2) A law firm, if approved to operate a trust account, must annually submit the law firm's trust account data electronically, as an Electronic Data Upload, to the Executive Director by March 31.

(3) A law firm is not required to comply with subrule (2) if exempted from this requirement by the Executive Director, in which case the law firm must, annually by March 31,

(a) give a copy of the current year's Law Firm Self-Report to the law firm's accountant; and

(b) using the form and prescribed filing method approved by the Executive Director, submit an Accountant's Report completed by the law firm's accountant who is independent of the law firm.

(4) The Executive Director may require a law firm to provide an Electronic Data Upload or Accountant's Report monthly or quarterly.

(5) If a law firm fails to

(a) annually file a Law Firm Self-Report, and

(b) annually file either an Accountant's Report or Electronic Data Upload

the Responsible Lawyer shall stand automatically suspended as of the day immediately following the filing deadline.

(6) Rule 165.1 shall apply to any suspension under subrule (5).

Jan2022;Aug2026

DIVISION 6
ADDITIONAL REPORTING OBLIGATIONS

Trust Account Shortages

119.39 (1) A law firm must maintain sufficient money, in an aggregate amount, in the law firm's trust account or accounts to meet all obligations with respect to trust money held for the law firm's clients.

(2) A law firm that discovers that the trust money maintained in a trust account or client ledger is insufficient to meet the obligations in subrule (1) has identified a trust account shortage and must immediately pay enough money into the trust account to eliminate that shortage.

(3) A lawyer who becomes aware of a trust account shortage must immediately notify the law firm's responsible lawyer of the shortage and of relevant information regarding the reason for the shortage.

(4) The responsible lawyer must immediately report any trust account shortage to the Executive Director if the trust account shortage

(a) is less than $2500 and is not corrected within seven days of the time the shortage arose; or

(b) exceeds $2500, regardless of when the shortage is corrected.

(5) A report made under subrule (4) must

(a) be made using the form and prescribed filing method approved by the Executive Director; and

(b) include any relevant information regarding the reason for the shortage.

(6) A trust account shortage referred to in this Rule means any shortage in a trust account, regardless of the cause of the shortage, including a shortage caused by misappropriation, theft, service charges and bank errors.

Jan2022;Feb2025

Fraud or Theft related to Trust or General Accounts

119.40 A law firm must immediately report to the Executive Director any

(a) fraud related to money or trust property,

(b) any theft of money from the law firm's trust accounts or general accounts; or

(c) any theft of trust property.

Jan2022

Canadian Deposit Insurance Corporation Compliance

119.41 A law firm that maintains a trust account at an approved depository that is insured by the Canada Deposit Insurance Corporation must comply with the reporting and disclosure obligations set forth in the *Canada Deposit Insurance Corporation Act*.

Jan2022

Notice of Bankruptcy Proceedings or Writ of Enforcement

119.42 (1) In this Rule, lawyer means lawyer, visiting lawyer, student-at-law, or applicant for admission or re-admission.

(2) A lawyer is required to immediately notify the law firm's responsible lawyer of

(a) the following actions taken under the *Bankruptcy and Insolvency Act*:

(i) service of a petition for a receiving order in respect of the property of the lawyer or their law firm, or

(ii) filing by the lawyer in respect of themselves or their law firm of

(A) an assignment,

(B) a notice of intention to make a proposal, or

(C) a proposal; or

(b) the issuance of a writ of enforcement against the lawyer or their law firm.

(3) A responsible lawyer must immediately give the Executive Director written notice of any of the items in subrule (2) that apply to them, their law firm or a lawyer at their law firm.

(4) A notice in subrule (3) must

(a) include a full explanation of the circumstances of the matter; and

(b) be accompanied by copies of all materials relating to proceedings taken in that matter.

(5) On receiving a notice in subrule (3) or on learning of any of the matters referred to in subrule (2), the Executive Director may do one or more of the following:

(a) inform the law firm's responsible lawyer of the matter;

(b) if clauses (2)(a) or (b) apply to a responsible lawyer,

(i) attach conditions to the continued approval of the responsible lawyer, or

(ii) revoke the approval to be a responsible lawyer;

(c) require a new responsible lawyer to be put in place by the law firm;

(d) attach conditions to the law firm's approval to operate a trust account; or

(e) revoke the law firm's approval to operate a trust account.

(6) The responsible lawyer or law firm may appeal the Executive Director's decision under clause (5)(b), (c), (d) or (e) to the Trust Safety Committee.

Jan2022

Unattributed or Undisbursable Trust Money

119.43 (1) In accordance with subsection 117(1) of the Act, a lawyer who has held trust money for more than two years and

(a) has been unable to locate the person entitled to the trust money, or

(b) is unable to attribute the trust money to any particular client or other person,

may apply to submit the trust money to the Society.

(2) An application under subrule (1) must be made using the form and prescribed filing method approved by the Executive Director.

(3) A lawyer may submit the trust money to the Society, in care of the Executive Director, along with the application made under subrule (1).

(4) The lawyer must retain evidence of all efforts made to locate the person entitled to the trust money or to attribute the trust money to a client or other person, including evidence of regular reviews of inactive client matters, which evidence must be included within the monthly trust account reconciliation, in accordance with subrule 119.37(3).

(5) A person who makes a claim to money under subsection 117(5) of the Act must use the form and prescribed filing method approved by the Executive Director and the claim must be approved through an adjudication by

(a) the Executive Director, if the claim does not exceed $10, 000; or

(b) the Trust Safety Committee, in any other case.

(6) The Executive Director or the Trust Safety Committee may, for the purpose of deciding a claim in subrule (5),

(a) request from the claimant any information and documents related to the claim that the Executive Director or the Trust Safety Committee reasonably requires;

(b) make or authorize any enquiries or investigations they consider necessary; and

(c) rely wholly or partly on the information and documents they receive.

(7) The Executive Director or the Trust Safety Committee shall, on considering a claim under subrule (5),

(a) approve the claim, with or without conditions; or

(b) reject the claim.

(8) The Executive Director must report any decision they make under this Rule to the Trust Safety Committee.

Jan2022

Lawyers Acting in a Representative Capacity

119.44 (1) A lawyer is acting in a representative capacity if the lawyer is

(a) the personal representative, executor or administrator, or one of the personal representatives, executors or administrators, of the estate of a deceased person;

(b) a trustee, or one of the trustees, of a trust under an appointment made pursuant to a trust instrument creating the trust;

(c) a trustee that holds property in trust for third parties until the occurrence of a condition or event that is specified in an agreement between the third parties;

(d) a trustee, or one of the trustees, of the property of another person under an appointment by a court; or

(e) an attorney, or one of the attorneys, of a person under a power of attorney, whether general or special, enduring or otherwise.

(2) When a lawyer receives money while acting in a representative capacity that is not directly related to the provision of legal services the money must

(a) not be paid into a trust account of the lawyer's law firm; and

(b) be paid into a separate trustee account, as defined in subrule (4), that has been established by the lawyer for the purpose of acting in a representative capacity.

(3) The lawyer must

(a) within 14 days of receiving the money, notify the Executive Director using the form and prescribed filing method designated by the Executive Director, that the lawyer is acting in a representative capacity;

(b) submit particulars relating to the lawyer's appointment and a list of the beneficiaries of the estate or trust, together with their last known addresses; and

(c) file with the Executive Director an undertaking to

(i) submit, on demand, the books, records, accounts and documentation of the estate or trust in a form sufficient to accommodate an examination, review, audit or investigation ordered by the Executive Director, and

(ii) co-operate with the Society's auditor or investigator in the conduct of any examination, review, audit or investigation that may be ordered.

(4) A separate trustee account in clause (2)(b) is an account opened in trust for the beneficiary of the account, at an approved depository, and may be

(a) opened in the name of the lawyer or law firm in trust for the beneficiary; and

(b) interest-bearing.

(5) Where interest is earned on a separate trustee account established under clause (2)(b), the interest is the property of the beneficiary.

(6) Subrule 119.22(1) does not apply to money received by a lawyer acting in a representative capacity that is not directly related to the provision of legal services.

Nov2010;Sep2019;Jan2022

DIVISION 7
ANTI-MONEY LAUNDERING

CLIENT IDENTIFICATION AND VERIFICATION REQUIREMENTS

Definitions – National Rule

119.45 In this Division,

(a) "credit union central" means a central cooperative credit society, as defined in section 2 of the *Cooperative Credit Associations Act*, or a credit union central or a federation of credit unions or caisses populaires that is regulated by a provincial Act other than one enacted by the legislature of Quebec;

(b) "disbursements" means amounts paid or required to be paid to a third party by the lawyer or the lawyer's firm on a client's behalf in connection with the provision of legal services to the client by the lawyer or the lawyer's firm which will be reimbursed by the client;

(c) "electronic funds transfer" means an electronic transmission of funds conducted by and received at a financial institution or a financial entity headquartered in and operating in a country that is a member of the Financial Action Task Force, where neither the sending nor the receiving account holders handle or transfer the funds, and where the transmission record contains a reference number, the date, transfer amount, currency and the names of the sending and receiving account holders and the conducting and receiving entities;

(d) "expenses" means costs incurred by a lawyer or law firm in connection with the provision of legal services to a client which will be reimbursed by the client including such items as photocopying, travel, courier, postage and paralegal costs;

(e) "financial institution" means:

(i) a bank that is regulated by the *Bank Act*,

(ii) an authorized foreign bank within the meaning of section 2 of the *Bank Act* in respect of its business in Canada,

(iii) a cooperative credit society, savings and credit union or caisse populaire that is regulated by a provincial or territorial Act,

(iv) an association that is regulated by the *Cooperative Credit Associations Act* (Canada),

(v) a financial services cooperative,

(vi) a credit union central,

(vii) a company that is regulated by the *Trust and Loan Companies Act* (Canada),

(viii) a trust company or loan company that is regulated by a provincial or territorial Act,

(ix) a department or an entity that is an agent of Her Majesty in right of Canada or of a province or territory when it accepts deposit liabilities in the course of providing financial services to the public, or

(x) a subsidiary of the financial institution whose financial statements are consolidated with those of the financial institution;

(f) "financial services cooperative" means a financial services cooperative that is regulated by An Act respecting financial services cooperatives, CQLR, c. C-67.3, or An Act respecting the Mouvement Desjardins, S.Q. 2000, c.77, other than a caisse populaire;

(g) "funds" means cash, currency, securities and negotiable instruments or other financial instruments that indicate the person's title or right to or interest in them;

(h) "lawyer" means, in the Province of Quebec, an advocate or a notary and, in any other province, a barrister or solicitor;

(i) "organization" means a body corporate, partnership, fund, trust, co-operative or an unincorporated association;

(j) "professional fees" means amounts billed or to be billed to a client for legal services provided or to be provided to the client by the lawyer or the lawyer's firm;

(k) "public body" means:

(i) a department or agent of Her Majesty in right of Canada or of a province or territory;

(ii) an incorporated city, town, village, metropolitan authority, township, district, county, rural municipality or other incorporated municipal body in Canada or an agent in Canada of any of them;

(iii) a local board of a municipality incorporated by or under an Act of a province or territory of Canada including any local board as defined in the Municipal Government Act or similar body incorporated under the law of another province or territory;

(iv) an organization that operates a public hospital and that is designated by the Minister of National Revenue as a hospital authority under the *Excise Tax Act* (Canada) or an agent of the organization;

(v) a body incorporated by or under the law of an Act of a province or territory of Canada for a public purpose; or

(vi) a subsidiary of a public body whose financial statements are consolidated with those of the public body;

(l) "reporting issuer" means:

(i) a reporting issuer within the meaning of an Act of a province or territory of Canada in respect of the securities law of the province or territory,

(ii) a corporation whose shares are traded on a stock exchange designated under section 262 of the *Income Tax Act* (Canada) and that operates in a country that is a member of the Financial Action Task Force, or

(iii) a subsidiary of an entity mentioned in clause (i) or (ii) where the financial statements of the subsidiary are consolidated with the financial statements of the entity;

(m) "securities dealer" means persons and entities authorized under provincial or territorial legislation to engage in the business of dealing in securities or any other financial instruments or to provide portfolio management or investment advising services, other than persons who act exclusively on behalf of such an authorized person or entity.

Sep2019;Jan2022

Requirement to Identify Client – National Rule

119.46 (1) Subject to subrule (3), a lawyer who is retained by a client to provide legal services must comply with the requirements of this Division, in keeping with the lawyer's obligation to know their client, understand the client's financial dealings in relation to the retainer with the client and manage any risks arising from the professional business relationship with the client.

(2) A lawyer's responsibilities under this Division may be fulfilled by any member, associate or employee of the lawyer's firm, wherever located.

(3) Rules 119.47 through 119.54 do not apply to:

(a) a lawyer when the lawyer provides legal services or engages in or gives instructions in respect of any of the activities described in Rule 119.48 on behalf of his or her employer; or

(b) a lawyer

(i) who is engaged as an agent by the lawyer for a client to provide legal services to the client, or

(ii) to whom a matter for the provision of legal services is referred by the lawyer for a client,

when the client's lawyer has complied with Rules 119.47 through 119.54; or

(c) a lawyer providing legal services as part of a duty counsel program sponsored by a non-profit organization, except where the lawyer engages in or gives instructions in respect of receiving, paying or transferring funds, other than an electronic funds transfer.

Sep2019;Jan2022

Requirement to Identify Client – National Rule

119.47 A lawyer who is retained by a client as described in Rule 119.46(1) must obtain and record, with the applicable date, the following information:

(a) for individuals:

(i) the client's full name,

(ii) the client's home address and home telephone number,

(iii) the client's occupation or occupations, and

(iv) the address and telephone number of the client's place of work or employment, where applicable;

(b) for organizations:

(i) the client's full name, business address and business telephone number,

(ii) other than a financial institution, public body or reporting issuer, the organization's incorporation or business identification number and the place of issue of its incorporation or business identification number, if applicable,

(iii) other than a financial institution, public body or a reporting issuer, the general nature of the type of business or businesses or activity or activities engaged in by the client, where applicable, and

(iv) the name, position and contact information for the individual authorized to provide and give instructions to the lawyer with respect to the matter for which the lawyer is retained; and

(c) if the client is acting for or representing a third party, information about the third party as set out in clauses (a) or (b) as applicable.

Sep2019;Jan2022

Client Identity and Verification – National Rule

119.48 Subject to Rule 119.49, Rule 119.50 applies where a lawyer, who has been retained by a client to provide legal services, engages in or gives instructions in respect of the receiving, paying or transferring of funds.

Sep2019;Jan2022

Exemptions Re: Certain Funds – National Rule

119.49 (1) Rule 119.50 does not apply where the client is a financial institution, public body or reporting issuer.

(2) Rule 119.50 does not apply in respect of funds,

(a) paid by or to a financial institution, public body or a reporting issuer;

(b) received by a lawyer from the trust account of another lawyer;

(c) received from a peace officer, law enforcement agency or other public official acting in their official capacity;

(d) paid or received to pay a fine, penalty or bail; or

(e) paid or received for professional fees, disbursements or expenses.

(3) Rule 119.50 does not apply to an electronic funds transfer.

Sep2019;Jan2022

Client Identity and Verification – National Rule

119.50 (1) When a lawyer is engaged in or gives instructions in respect of any of the activities described in Rule 119.48 the lawyer must:

(a) obtain from the client and record, with the applicable date, information about the source of funds described in Rule 119.48; and

(b) verify the identity of the client, including any individual described in subclause 119.47(b)(iv), and, where appropriate, the third party using the documents or information described in subrule (6).

(2) A lawyer may rely on an agent to obtain the information described in subrule (6) to verify the identity of an individual client, third party or individual described in subclause 119.47(b)(iv) provided the lawyer and the agent have an agreement or arrangement in writing for this purpose as described in subrule (4).

(3) A lawyer who enters into an agreement or arrangement referred to in subrule (2) or must:

(a) obtain from the agent the information obtained by the agent under that agreement or arrangement; and

(b) satisfy themselves that the information is valid and current and that the agent verified identity in accordance with subrule (5).

(4) A lawyer may rely on the agent's previous verification of an individual client, third party or an individual described in subclause 119.47(b)(iv) if the agent was, at the time they verified the identity:

(a) acting in their own capacity, whether or not they were required to verify identity under this Rule; or

(b) acting as an agent under an agreement or arrangement in writing, entered into with another lawyer who is required to verify identity under this Rule, for the purpose of verifying identity under subrule (5).

(5) For the purposes of clause (1)(b), the client's identity must be verified by referring to the following documents, which must be valid, authentic and current, or the following information, which must be valid and current:

(a) if the client or third party is an individual:

(i) an identification document containing the individual's name and photograph that is issued by the federal government, a provincial or territorial government, or a foreign government, other than a municipal government, that is used in the presence of the individual to verify that the name and photograph are those of the individual,

(ii) information that is in the individual's credit file, if that file is located in Canada and has been in existence for at least three years, that is used to verify that the name, address and date of birth in the credit file are those of the individual,

(iii) any two of the following with respect to the individual:

(A) information from a reliable source that contains the individual's name and address that is used to verify that the name and address are those of the individual,

(B) information from a reliable source that contains the individual's name and date of birth that is used to verify that the name and date of birth are those of the individual, or

(C) information that contains the individual's name and confirms that they have a deposit account or a credit card or other loan amount with a financial institution that is used to verify that information.

(b) For the purposes of paragraph (5)(a)(iii)(A) to (C), the information referred to must be from different sources, and the individual, lawyer, and agent cannot be a source.

(c) To verify the identity of an individual who is under 12 years of age, the lawyer must verify the identity of one of their parents or their guardian.

(d) To verify the identity of an individual who is at least 12 years of age but not more than 15 years of age, the lawyer may refer to information under paragraph (5)(a)(iii)(A) to (C), that contains the name and address of one of the individual's parents or their guardian and verifies that the address is that of the individual.

(e) if the client or third party is an organization such as a corporation or society that is created or registered pursuant to legislative authority, a written confirmation from a government registry as to the existence, name and address of the organization, including the names of its directors, where applicable, such as

(i) a certificate of corporate status issued by a public body,

(ii) a copy obtained from a public body of a record that the organization is required to file annually under applicable legislation, or

(iii) a copy of a similar record obtained from a public body that confirms the organization's existence; and

(f) if the client or third party is an organization, other than a corporation or society, that is not registered in any government registry, such as a trust or partnership, a copy of the organization's constating documents, such as a trust or partnership agreement, articles of association, or any other similar record that confirms its existence as an organization.

(6) When a lawyer is engaged in or gives instructions in respect of any of the activities in Rule 119.48 for a client or third party that is an organization referred to in clause (5)(e) or (f), the lawyer must:

(a) obtain and record, with the applicable date, the names of all directors of the organization, other than an organization that is a securities dealer; and

(b) make reasonable efforts to obtain, and if obtained, record with the applicable date:

(i) the names and addresses of all persons who own, directly or indirectly, 25 per cent or more of the organization or of the shares of the organization,

(ii) the names and addresses of all trustees and known beneficiaries and settlors of the trust, and

(iii) in all cases, information establishing the ownership, control and structure of the organization.

(7) A lawyer must take reasonable measures to confirm the accuracy of the information obtained under subrule (6).

(8) A lawyer must keep a record, with the applicable date, that sets out:

(a) the efforts made under clause (6)(b); and

(b) the measures taken to confirm the accuracy of the information obtained under subrule (6).

(9) If a lawyer is not able to obtain the information referred to in subrule (6) or to confirm the accuracy of that information in accordance with subrule (7), the lawyer must:

(a) take reasonable measures to ascertain the identity of the most senior managing officer of the organization;

(b) determine whether

(i) the client's information in respect of their activities,

(ii) the client's information in respect of the source of the funds described in Rule 119.48, and

(iii) the client's instructions in respect of the transaction

are consistent with the purpose of the retainer and the information obtained about the client as required by this Rule;

(c) assess whether there is a risk that the lawyer may be assisting in or encouraging fraud or other illegal conduct; and

(d) keep a record, with the applicable date, of the results of the determination and assessment under clauses (9)(b) and (c).

(10) A lawyer must verify the identity of:

(a) a client who is an individual; and

(b) the individual authorized to provide and give instructions on behalf of an organization with respect to the matter for which the lawyer is retained,

upon engaging in or giving instructions in respect of any of the activities described in Rule 119.48.

(11) Where a lawyer has verified the identity of an individual, the lawyer is not required to subsequently verify that same identity unless the lawyer has reason to believe the information, or the accuracy of it, has changed.

(12) A lawyer must verify the identity of a client that is an organization upon engaging in or giving instructions in respect of activities described in Rule 119.48, but in any event no later than 30 days thereafter.

(13) Where a lawyer has verified the identity of a client that is an organization and obtained information pursuant to subrule (6), the lawyer is not required to subsequently verify that identity or obtain that information, unless the lawyer has reason to believe the information, or the accuracy of it, has changed.

Sep2019;Jan2022;Jan2025

Record Keeping and Retention – National Rule

119.51 (1) A lawyer must obtain and retain a copy of every document used to verify the identity of any individual or organization for the purposes of subrule 119.50(1).

(2) The documents referred to in subrule 119.50(1) may be kept in a machine-readable or electronic form, if a paper copy can be readily produced from it.

(3) A lawyer must retain a record of the information, with the applicable date, and any documents obtained for the purposes of Rule 119.47 and subrules 119.50(6) and 119.54(2) and copies of all documents received for the purposes of subrule 119.50(1) for the longer of

(a) the duration of the lawyer and client relationship and for as long as is necessary for the purpose of providing service to the client; and

(b) a period of at least six years following completion of the work for which the lawyer was retained.

Sep2019;Jan2022;Jan2025

Application – National Rule

119.52 Rules 119.46 through 119.51 of this Division do not apply to matters in respect of which a lawyer was retained before September 2019 but they do apply to all matters for which the lawyer is retained after that time, regardless of whether the client is a new or existing client.

Sep2019;Jan2022

Criminal Activity – National Rule

119.53 (1) If in the course of obtaining the information and taking the steps required in Rule 119.47 and subrules 119.50(1), (6) or (9), a lawyer knows or ought to know that the lawyer is or would be assisting a client in fraud or other illegal conduct, the lawyer must withdraw from representation of the client.

(2) This Rule applies to all matters, including new matters for existing clients, for which a lawyer is retained after this Division comes into force.

Sep2019;Jan2022;Jan2025

Monitoring - National Rule

119.54 (1) During a retainer with a client in which the lawyer is engaged in or gives instructions in respect of any of the activities described in Rule 119.48, the lawyer must:

(a) monitor on a periodic basis the professional business relationship with the client for the purposes of determining whether:

(i) the client's information in respect of their activities,

(ii) the client's information in respect of the source of the funds described in Rule 119.48, and

(iii) the client's instructions in respect of transactions

are consistent with the purpose of the retainer and the information obtained about the client as required by these Rules; and

(b) monitor on a periodic basis the professional business relationship with the client for the purposes of assessing whether there is a risk that the lawyer may be assisting in or encouraging fraud or other illegal conduct.

(2) During a retainer with a client in which the lawyer is engaged in or gives instructions in respect of any of the activities described in Rule 119.48 the lawyer must keep a record, with the applicable date, of the measures taken and the information obtained with respect to the requirements of clause (1)(a).

Sep2019;Jan2022

Duty to Withdraw - National Rule

119.55 (1) If while retained by a client, including when taking the steps required in Rule 119.54, a lawyer knows or ought to know that the lawyer is or would be assisting the client in fraud or other illegal conduct, the lawyer must withdraw from representation of the client.

(2) This Rule applies to all matters for which a lawyer was retained before this Division comes into force and to all matters for which the lawyer is retained after that time.

Feb2009;Sep2019;Jan2022

CASH TRANSACTIONS

Cash Transactions – Definitions– National Rule

119.56 For the purposes of Rules 119.57 and 119.58:

(a) "cash" means coins referred to in section 7 of the *Currency Act*, notes issued by the Bank of Canada pursuant to the *Bank of Canada Act* that are intended for circulation in Canada and coins or bank notes of countries other than Canada;

(b) "disbursements" means amounts paid or required to be paid to a third party by the lawyer or the lawyer's firm on a client's behalf in connection with the provision of legal services to the client by the lawyer or the lawyer's firm which will be reimbursed by the client;

(c) "expenses" means costs incurred by a lawyer or law firm in connection with the provision of legal services to a client which will be reimbursed by the client including such items as photocopying, travel, courier, postage, and paralegal costs;

(d) "financial institution" means

(i) a bank that is regulated by the *Bank Act*,

(ii) an authorized foreign bank within the meaning of section 2 of the *Bank Act* in respect of its business in Canada,

(iii) cooperative credit society, savings and credit union or caisse populaire that is regulated by a provincial or territorial Act,

(iv) an association that is regulated by the *Cooperative Credit Associations Act* (Canada),

(v) a financial services cooperative,

(vi) a credit union central,

(vii) a company that is regulated by the *Trust and Loan Companies Act* (Canada),

(viii) a trust company or loan company that is regulated by a provincial or territorial Act,

(ix) a department or an entity that is an agent of Her Majesty in right of Canada or of a province or territory when it accepts deposit liabilities in the course of providing financial services to the public, or

(x) a subsidiary of the financial institution whose financial statements are consolidated with those of the financial institution.

(e) "financial services cooperative" means a financial services cooperative that is regulated by An Act respecting financial services cooperatives, CQLR, c. C-67.3, or An Act respecting the Mouvement Desjardins, S.Q. 2000, c.77, other than a caisse populaire;

(f) "funds" means cash, currency, securities and negotiable instruments or other financial instruments that indicate the person's title or right to or interest in them;

(g) "professional fees" means amounts billed or to be billed to a client for legal services provided or to be provided to the client by the lawyer or the lawyer's firm;

(h) "public body" means

(i) a department or agent of Her Majesty in right of Canada or of a province or territory,

(ii) an incorporated city, town, village, metropolitan authority, township, district, county, rural municipality or other incorporated municipal body in Canada or an agent in Canada of any of them,

(iii) a local board of a municipality incorporated by or under an Act of a province or territory of Canada including any local board as defined in the *Municipal Act* (Ontario) [or equivalent legislation] or similar body incorporated under the law of another province or territory,

(iv) an organization that operates a public hospital authority and that is designated by the Minister of National Revenue as a hospital under the *Excise Tax Act* (Canada) or an agent of the organization,

(v) a body incorporated by or under an Act of a province or territory of Canada for a public purpose, or

(vi) a subsidiary of a public body whose financial statements are consolidated with those of the public body.

Nov2010;Sep2019;Jan2022

Cash Transactions – Additional Obligations – National Rule

119.57 (1) A lawyer must not receive or accept cash in an aggregate amount greater than $7500 Canadian dollars in respect of any one client matter.

(2) For the purposes of this Rule, when a lawyer receives or accepts cash in a foreign currency the lawyer will be deemed to have received or accepted the cash converted into Canadian dollars at

(a) the official conversion rate of the Bank of Canada for the foreign currency as published in the Bank of Canada's Daily Noon Rates that is in effect at the time the lawyer receives or accepts the cash; or

(b) if the day on which the lawyer receives or accepts cash is a holiday, the official conversion rate of the Bank of Canada in effect on the most recent business day preceding the day on which the lawyer receives or accepts the cash.

(3) Subrule (1) applies when a lawyer engages on behalf of a client or gives instructions on behalf of a client in respect of the following activities:

(a) receiving or paying funds;

(b) purchasing or selling securities, real properties or business assets or entities; or

(c) transferring funds by any means.

(4) Despite subrule (3), subrule (1) does not apply when the lawyer receives cash in connection with the provision of legal services by the lawyer or the lawyer's firm

(a) from a financial institution or public body;

(b) from a peace officer, law enforcement agency or other agent of the Crown (acting in his or her official capacity);

(c) to pay a fine, penalty or bail; or

(d) for professional fees, disbursements or expenses, provided that any refund out of such receipts is also made in cash.

Nov2010;Sep2019;Jan2022

Cash Transactions – Book of Duplicate Receipts

119.58 (1) Subject to Rules 119.56 and 119.57, a law firm that receives cash on behalf of a client must maintain a separate book of duplicate receipts, in addition to existing financial record keeping requirements, which includes the following:

(a) the date on which cash is received;

(b) the person from whom cash is received;

(c) the amount of cash received;

(d) the client for whom cash is received;

(e) any file number in respect of which cash is received;

(f) the signature of the lawyer or person authorized by the lawyer to receive cash; and

(g) the signature of the person from whom cash is received.

(2) Subject to Rules 119.56 and 119.57, a record of cash payment must be maintained by a law firm that returns cash pursuant to paragraph 119.57(4)(d), in addition to existing financial record keeping requirements, and which includes the following with each record;

(a) the date on which cash is paid;

(b) the amount of cash paid;

(c) the client name in respect of which cash is paid;

(d) any file number in respect of which cash is paid; and

(e) the name and signature of the person to whom cash is paid.

(3) A lawyer is not in breach of clauses (1)(g) or (2)(e) if a receipt or record does not contain the signature of the person from whom cash is received or to whom cash is paid, provided that the lawyer has made reasonable efforts to obtain the signature of the person from whom cash is received or to whom cash is paid.

Nov2010;Jan2022;Feb2025

DIVISION 8
COMPLIANCE AUDITS

Examination, Review, Audit or Investigation of Financial Records

119.59 (1) For purposes of this Rule, “law firm” means

(a) a law firm as defined in Rule 2;

(b) two or more lawyers practising law in the same premises, who expressly or impliedly hold themselves out to be practising law together and indicate a commonality of practice;

(c) two or more lawyers practising law in the same premises who indicate that their practices are independent; or

(d) a lawyer and a law firm practising independently but participating in a specific alternate arrangement approved under Rule 119.8.

(2) The Benchers may direct a person to examine, review, audit, investigate or complete the financial records and other records of a lawyer or law firm related to the lawyer’s or law firm's practice of law to determine whether the lawyer or the law firm is in compliance with the relevant provisions of the Act and the Rules.

(3) The powers conferred on the Benchers by subrule (2) may also be exercised by

(a) the President of the Society;

(b) the President-Elect of the Society;

(c) the Chair of the Conduct Committee;

(d) the Chair of the Trust Safety Committee;

(e) the Executive Director;

(f) the Manager, Trust Safety; or

(g) if exercised pursuant to Rule 149.9, the President and Chief Executive Officer of ALIA.

(4) Where a person conducts an examination, review, audit or investigation under this Rule,

(a) a lawyer must produce all records and supporting documentation, including client files that that person may require for the examination, review, audit or investigation; and

(b) the examination, review, audit or investigation of the lawyer's or the law firm's financial records and other records must, where practicable, be held in the office of that lawyer or law firm, or must be held in the Society's offices.

(5) If a lawyer does not produce all records and supporting documentation, in accordance with subrule (4)(a), then the Executive Director may do one or more of the following:

(a) request that the lawyer provide an undertaking to not operate a trust account;

(b) revoke the law firm's approval to operate a trust account;

(c) revoke the lawyer's status as a responsible lawyer;

(d) request that a Society investigator contact the lawyer to conduct inquiries into the failure to comply with subrule (4)(a);

(e) request a review of the matter by the Executive Director in accordance with section 53 of the Act; or

(f) require the lawyer to pay the costs of the audit.

(6) The person who conducts an examination, review, audit or investigation under this Rule must provide

(a) a report to

(i) the Executive Director, or,

(ii) to the President and Chief Executive Officer of ALIA, if conducted pursuant to Rule 149.9; and

(b) a copy of the report to the responsible lawyer and the law firm.

(7) The report in subrule (6)

(a) must advise whether the lawyer or the law firm is in compliance with the relevant provisions of the Act and the Rules;

(b) must give full particulars of any breach or risk of breach of those provisions;

(c) may contain conditions with which the responsible lawyer or law firm must comply to remedy any breaches or reduce the risk of breach.

(8) A lawyer who receives a copy of a report under subrule (6), other than a report conducted pursuant to Rule 149.9, may request the Executive Director to reconsider the report's findings or any conditions imposed as a result of the findings.

Jan2022;Sep2022;Feb2025

Sharing Information Regarding Identified Risk with ALIA

119.60 The Executive Director may inform the President and Chief Executive Officer of ALIA of

(a) risk of or actual fraud;

(b) theft or misappropriation; or

(c) wrongful conversion

identified through examination, review, audit or investigation.

Jan2022

DIVISION 9
TRUST ACCOUNT CLOSURE / RESIGNATION AS A RESPONSIBLE LAWYER

Revocation of Approval to be a Responsible Lawyer or to Operate a Trust Account

119.61 (1) If the Executive Director determines that there is a lack of compliance with one or more of the clauses in subrules 119.11(6) or119.12(6), or receives a notice pursuant to Rule 119.42, then the Executive Director may do one or more of the following:

(a) attach conditions to the continued approval of the responsible lawyer;

(b) revoke the approval to be a responsible lawyer;

(c) require a new responsible lawyer to be put in place by the law firm;

(d) attach conditions to the law firm's approval to operate a trust account;

(e) revoke the law firm's approval to operate a trust account; or

(f) refer the matter for review in accordance with section 53 of the Act.

(2) The Executive Director's decision under clause (1)(a), (b), (c), (d), (e) or (f) may be appealed to the Trust Safety Committee.

Jan2022

Resignation of Responsible Lawyer

119.62 (1) A responsible lawyer who is unable or unwilling to fulfill the duties of a responsible lawyer, for a law firm that remains in practice, must, a minimum of 14 days before the date they intend to cease to be a responsible lawyer,

(a) advise the Society, in writing, of

(i) their intention to cease to be the responsible lawyer, and

(ii) the effective date on which the lawyer will cease to be the responsible lawyer;

(b) prepare and file a responsible lawyer change filing, using the form and prescribed filing method approved by the Executive Director;

(c) if requested, prepare and file an interim reporting filing, using the form and prescribed filing method approved by the Executive Director;

(d) comply with any outstanding audit requirements; and

(e) ensure a replacement responsible lawyer is appointed by confirming

(i) the necessary application has been filed with and approved by the Executive Director, and

(ii) the necessary steps have been taken to enable the transfer of the responsible lawyer designation to another qualified member of the law firm.

(2) The replacement responsible lawyer, identified under paragraph (1)(e), is designated as the responsible lawyer effective when

(a) the Executive Director approves the replacement responsible lawyer; or

(b) the responsible lawyer intends to cease to be the responsible lawyer,

whichever is later.

(3) If the responsible lawyer fails to comply with subrule (1), the Executive Director must send a notice to all members of the responsible lawyer's law firm advising that

(a) the law firm is required to have a responsible lawyer and must comply with subrule (1) by a given date; and

(b) failure to comply with subrule (1) may result in the revocation of the law firm's approval to operate a trust account.

Jan2022

Closure of Trust Account, Termination of Practice or Closure of Law Firm

119.63 (1) A law firm that terminates its practice must file with the Executive Director written notice of

(a) termination of the law firm practice before or immediately after the date on which the firm's prescribed financial records are closed; and

(b) the effective date of the law firm's termination of practice, which becomes the law firm's new Designated Filing Date.

(2) Subject to subrule (4), a trust account must not be closed until the law firm's obligations in relation to the trust money in the account are discharged by doing one or more of the following:

(a) distributing the trust money to the persons entitled to it;

(b) making written arrangements for the transfer of the trust money to a trust account of another law firm and the assumption by that other law firm of the trust obligations applicable to that trust money;

(c) transferring the trust money to another trust account of the same law firm;

(d) paying the trust money to the Society in accordance with section 117 of the Act and Rule 119.43; or

(e) paying the trust money into court pursuant to a court order.

(3) The duty of a law firm to comply with subrules 119.38(1), (2), (3) and (4), as applicable, ceases only when

(a) the law firm's trust accounts and prescribed financial records are closed and proof of closure is provided to the Society; and

(b) the final Law Firm Self-Report and either the final Accountant's Report or final Electronic Data Upload are provided to the Society.

(4) A trust account of a law firm may be closed before the law firm's obligations in relation to the trust money in the trust account are discharged if the trust account is transferred to a lawyer who is appointed under the Act as the custodian of the law firm's practice.

Jan2022

Rules 120-136 are intentionally blank.

The next numbered rule is rule 137.

Nov2010

PART 6
ASSURANCE FUND

DIVISION 1
ADMINISTRATION OF THE FUND

Assurance Fund Assessments

137 (1) For the purpose of maintaining and augmenting the Assurance Fund:

(a) subject to subrule (2), an annual assessment may be levied on all active members of an amount fixed by the Benchers in each case by resolution; and

(b) the Benchers may direct the levying on all active members of a special assessment of an amount fixed by the Benchers by resolution and payable by the time prescribed by the Benchers by resolution.

(2) No annual assessment shall be levied on active members who are exempt from professional liability indemnity coverage under rule 148(1).

Nov2001;Dec2005;Jul2019;Jun2021

Fund Revenues and Expenditures

138 (1) The following shall be paid into the Assurance Fund:

(a) annual and special assessments levied on active members pursuant to rule 137;

(b) money paid to the Society under a contract referred to in section 89(5) of the Act; and

(c) money paid to or recovered by the Society pursuant to actions or other court proceedings under Part 4 of the Act.

(2) The income of the Assurance Fund accrues to the Fund.

(3) The following classes of expenditures by the Society are chargeable to the Assurance Fund:

(a) expenditures in connection with;

(i) audits and investigations relating to claims against the Fund,

(ii) hearings of claims by the Finance Committee, and

(iii) hearings of claims and appeals by the Benchers under rules 142(1) and 143 respectively;

(b) investigations and reviews conducted under rule 119.59;

(c) payments under a contract referred to in section 89(5) of the Act;

(d) costs incurred in proceedings to which the Society is a party or holds party-like status, or in relation to the investigation of potential misappropriation by a member, where the Society's role is to protect the public interest, including solicitor-client privilege, while potential misappropriation is being investigated;

(e) remuneration paid to a custodian appointed under Part 4 of the Act and payments to a custodian as reimbursement for costs and expenses incurred by the custodian in connection with proceedings under Part 4 of the Act;

(f) the portion of the general administration expenditures of the Society determined by the Executive Committee as being attributable to the administration of Part 4 of the Act, including monitoring lawyer trust accounts, investigating possible misappropriation, tracing client property, protecting solicitor-client privilege, or other activities undertaken to determine whether a claim against the Fund or a proceeding under Part 4 may arise; and

(g) payment of any national compensation fund levy.

Nov2010;Oct2021;Jan2022;Nov2026

Transitional Matters

138.1 Repealed June 2021.

Jun2014;Jul2019;Jun2021

DIVISION 2

CLAIMS AGAINST THE ASSURANCE FUND

Interpretation

139 In this Division:

(a) “Application for Compensation” means the form designated by the Executive Director from time to time in support of a claim for compensation by a claimant;

(b) "assurance counsel" means counsel engaged by the Society to represent the Society in its capacity as the holder of the Assurance Fund;

(c) "claimant" means a person entitled to money or other property who submits a claim to the Assurance Fund;

(d) "claims panel" means a panel of the Finance Committee established pursuant to Rule 142(1);

(e) “Executive Director” includes any person designated by the Executive Director to perform any of the duties assigned to the Executive Director in this Division;

(f) "member concerned", in relation to a claim, means the member or former member who is alleged in the claim to have committed the theft giving rise to the claim.

Nov2004;Feb2008;Jun2019;Jun2021

Eligibility

139.1 The following provisions shall govern claims to the Assurance Fund:

(a) if there is a theft prior to July 1, 2014, a claimant may submit a claim to the Assurance Fund;

(b) if there is a theft on or after July 1, 2014, but prior to July 1, 2021, a claimant who wants to make a claim:

(i) shall first submit a claim to all available indemnity, insurance, title insurance, compensation or assurance programs, including Part B of the group policy, and

(ii) may then submit a claim to the Assurance Fund:

(A) for any claims that are denied or that are not fully satisfied under all available indemnity, insurance, title insurance, compensation or assurance programs, including Part B of the group policy, and

(B) where the claimant has exhausted all litigation and collection remedies against the member in a court of competent jurisdiction, including any available appeals;

(c) if there is a theft on or after July 1, 2021, a claimant may submit a claim to the Assurance Fund subject to the following conditions:

(i) a claimant:

(A) shall first submit a claim to all available indemnity, insurance, title insurance, compensation or assurance programs, including Part B of the group policy, and

(B) may then submit a claim to the Assurance Fund:

(I) for any claims that are denied or that are not fully satisfied under all available indemnity, insurance, title insurance, compensation or assurance programs, including Part B of the group policy, and

(II) where the claimant has exhausted all litigation and collection remedies against the member in a court of competent jurisdiction, including any available appeals,

(ii) the maximum amount payable for any claim shall be limited to:

(A) $100,000 per claimant per member,

(B) $250,000 annual aggregate per member, and

(C) $500,000 annual aggregate for the profession,

(iii) no compensation shall be payable for interest, costs, disbursements or any other heads of damage that are claimed or may have been incurred in connection with a theft,

(iv) no claim may be submitted two years after the date on which the claimant first knew, or in the circumstances ought to have known, of a theft,

(v) no claim may be submitted for a theft by a member who is exempt from the requirement to obtain professional liability coverage under rule 148(1), and

(vi) no claim may be submitted by a member's law firm or current or former partners;

(d) a claimant under clause 139.1(c) must submit a claim to the Assurance Fund within two years of the date on which they knew, or in the circumstances ought to have known, of a theft, to preserve their right to make a claim to the Assurance Fund under this Division, but the claim shall not be considered before the claimant exhausts all remedies required by subclause 139.1(c)(i);

(e) no claim shall be considered that arises from or is related in any way to misappropriation or wrongful conversion of money or other property committed by a non-member, including those working as law firm employees or contractors with a member's law firm at the time the misappropriation or wrongful conversion occurred; and

(f) the conditions in clause 139.1(c) shall in no way limit the discretion to deny compensation to a claimant for other reasons, where that discretion is exercised by the Executive Director, or by a claims panel or a panel of Benchers who may adjudicate a hearing or appeal.

Jun2021

Methods of Service

140 (1) Where service of a notice or other documents pursuant to a provision of this Division is required service shall be made in accordance with the provisions of the Rules.

(2) Where service of a notice is required or authorized under this Division and

(a) service of the document cannot be effected by any method of service described in the Rules; or

(b) there is reason to believe that service of the document pursuant to the Rules will be ineffectual because the person sought to be served no longer has any connection with the address for delivery referred to in the Rules,

service of the notice may be effected in accordance with subrule (3).

(3) Service of a notice pursuant to subrule (2) may be effected by

(a) publication, in which case the notice

(i) must be addressed to the person to be served,

(ii) shall contain such information as directed by the Chair of the Finance Committee, and

(iii) shall be published at such time as the Chair of the Finance Committee may direct; or

(b) any other method of service authorized by the Chair of the Finance Committee, subject in such case to the prior approval of the Chair and to any instructions given by the Chair in respect of the service of the document by that other method.

(3.1) Service of a notice, or any other document required to be served under this Division, may be dispensed with by the Chair of the Finance Committee or the claims panel or an appeal panel if service under this rule or rule 43 cannot or could not be effected within a reasonable time.

(4) Notwithstanding subrules (1) and (3), where the Executive Director or Tribunal Office is notified that:

(a) the claimant,

(b) the member concerned, or

(c) any other person recognized by the Finance Committee or the claims panel as an interested party at the hearing,

has engaged legal counsel, all subsequent notices and communications to that person respecting the claim may instead be served on or given to that person's legal counsel, unless such counsel has advised the Law Society that he or she has ceased to act or is unable to contact his or her client.

Feb2008;Jun2013;Jun2021

Notice of Claim

141 (1) Notice of a claim against the Assurance Fund shall be submitted to the Executive Director in writing and accompanied by an Application for Compensation.

(2) The Executive Director, the Finance Committee or a claims panel may determine a claim even if an Application for Compensation is not submitted with the claim in accordance with this Rule.

Feb2008

Review by Executive Director

141.1 (1) The Executive Director shall review each claim.

(2) In the course of a review under this Division the Executive Director may do any of the following:

(a) require the claimant or the member concerned to answer any inquiries or to furnish any records that the Executive Director considers relevant for the purpose of the review;

(b) direct an investigation of the claim; and

(c) require the claimant to attend at an examination under oath or affirmation on the material supporting the claim by counsel for the Society.

(3) A person who conducts an investigation under this Rule may require a member or the claimant to:

(a) produce records and supporting documentation;

(b) provide authorizations directed to third parties to permit the review and copying of records and supporting documentation in the possession of third parties; and

(c) attend an interview.

(4) The investigator shall provide a report addressed to the Executive Director containing the findings of the investigation.

Nov2004;Feb2008;Jun2021

Determinations by Executive Director

141.2 (1) During the course of a review under this Division, the Executive Director may dismiss the claim if the claimant refuses or fails to comply with a requirement of the Executive Director or an investigator made pursuant to Rule 141.1.

(2) The Executive Director may dismiss the claim where the statutory requirements and the requirements in the Rules are not met.

(3) The Executive Director may approve some or all of a claim where all of the statutory requirements and the requirements in the Rules are met.

(4) The Executive Director's review and determination shall be based entirely on documentary information and evidence, including any transcripts resulting from an examination conducted pursuant to Rule 141.1(2)(c).

(5) The Executive Director shall not be entitled to conduct an oral hearing.

(6) If the Executive Director determines that oral evidence or oral submissions are required in order to properly assess the claim, the claim shall be referred to a claims panel.

(7) When the Executive Director determines a claim, the Executive Director shall advise the claimant and the member in writing of the determination made, of the reasons for that determination, and of the right to appeal the determination to a claims panel.

Feb2008;Jun2019;Jun2021

Referrals by the Executive Director

141.3 In any case, the Executive Director may, in his/her sole discretion, refer the matter to a claims panel for determination.

Feb2008

Appeal of Determinations by the Executive Director

141.4 (1) The determination of the Executive Director may be appealed to a claims panel in accordance with this Rule.

(2) An appeal under this Rule may be commenced:

(a) by the claimant, the member concerned or an interested party, by filing a notice of appeal containing an address for service with the Executive Director within the 30-day period following receipt in writing of the determination made; or

(b) by the Executive Committee, by filing a notice of appeal with the President or President-Elect within the 30-day period following the date on which the President and the Chair of the Finance Committee were provided a copy of the determination made.

(3) An appeal of a determination by the Executive Director shall be heard by a claims panel.

(4) Appeals to claims panels will be dealt with as if the Executive Director had never determined the claim, however the claims panel shall be entitled to review and consider the written reasons for the determination of the Executive Director as part of the material before it.

(5) A claims panel may order one or more of the following upon determining an appeal of a determination of the Executive Director:

(a) that the claim be resubmitted to the Executive Director to continue the review;

(b) that the claim be dismissed;

(c) that some or all of the claim be approved; and

(d) that the appellant meet certain conditions within any time frame as a condition of any order made.

Feb2008;Jun2021

Committee/Panel Composition

142 (1) The Finance Committee may sit in claims panels of a minimum of three members comprised of a majority of Benchers, one of whom will be a lay Bencher, for the purpose of:

(a) adjudicating claims for compensation from the Assurance Fund under section 89 of the Act, and/or

(b) making any decisions on any other matters referred to the Finance Committee for determination, including appeals from a determination of the Executive Director under this Division.

(2) Three members of a claims panel constitute a quorum at a meeting of the claims panel.

Feb2008;Jun2021

Committee/Panel Process

142.1 (1) To commence a hearing under this Part the Tribunal Office shall serve on

(a) the claimant,

(b) the member concerned, and

(c) any other person who the Executive Director believes may have an interest in relation to the claim,

a Letter of Appointment of the claims panel, notice of the materials to be provided to the panel to decide the matter, and notice of the right of the claimant and member concerned to request an oral hearing.

(2) A request for an oral hearing must be made in writing within the period specified by the Tribunal Office.

(3) Where an oral hearing is requested, in accordance with subrule (2), the Tribunal Office shall serve the parties in subrule (1) a notice stating the time and place at which the hearing will be held.

(4) The claims panel shall make its decision on a matter on the basis of:

(a) the materials that were before the Executive Director during the Executive Director's review;

(b) any materials provided to the claims panel by the claimant, the member concerned, any other person who may have an interest in relation to the matter or by assurance counsel; and

(c) if an oral hearing is held, any evidence received by the claims panel during the course of the hearing.

(5) When the claims panel is hearing an appeal from a determination of the Executive Director under Rule 141.4, the claims panel, in addition to the material in subrule (4), shall also be entitled to review and consider the written reasons for the determination of the Executive Director that is being appealed.

(6) If any information referred to in subrule (1) contains information that may be subject to a claim of solicitor-client privilege by a party other than the claimant, the Tribunal Office shall edit the material provided to any party in advance of the hearing to ensure no information is disclosed that may be subject to a claim of solicitor-client privilege.

(7) An oral hearing shall be conducted in private unless the claims panel, on its own motion or on the application of the claimant, the member concerned, assurance counsel, any person expected to be a witness at the hearing or any other interested party at any time before or during the proceedings, directs that all or part of the hearing is to be held in public.

(8) The claims panel hearing the matter shall determine the process to be followed in accordance with the Act, the Rules, the principles of natural justice and the circumstances of the case. In the event of an oral hearing that the panel has decided shall be held in public, the panel shall comply with Rule 98 as to persons present at the hearing, exhibits and records of the Society, and shall comply with the requirements of section 88 of the Act.

(9) On completing its hearing and deliberations, the claims panel shall provide written reasons for its decision to the Tribunal Office.

(10) The Tribunal Office, on receipt of the written reasons under subrule (9), shall, within a reasonable time, give a copy of the reasons to the President and the Chair of the Finance Committee.

(11) The Chair of the Finance Committee may determine what portions of the written reasons may be provided for the purposes of subrule (13).

(12) The Tribunal Office shall redact the reasons in accordance with the Society's redaction policies, to protect the personal and confidential information of claimants and third parties, solicitor-client privilege and other sensitive information.

(13) The Tribunal Office shall, within a reasonable time, provide a copy of the redacted reasons to the Executive Director, member or the member's counsel, the claimant, assurance counsel and any other person recognized by the claims panel at the hearing or by the appeal panel at the appeal as an interested party.

Feb2008;Apr2021;Jun2021

Pre-Hearing Direction

142.2 (1) Upon a matter being referred to a claims panel or being appealed, the claimant, member concerned or assurance counsel may submit a request, in writing, to the Tribunal Office to request that the Chair of the Finance Committee resolve issues and provide direction to the parties to move matters towards hearings or appeals in accordance with the Rules and Guidelines.

(2) Upon receiving such a request, the Tribunal Office shall send the request for pre-hearing direction to all other parties and provide a date for responses in writing to the request.

(3) After the date for responses, the Tribunal Office shall provide the request for pre-hearing direction and all responses to the Chair of the Finance Committee who may make orders on any conditions, and may impose and may set a plan and schedule for the completion of any steps by any or all parties to be completed before the hearing or appeal.

Feb2008;Jun2021

Appeal of Decision

143 (1) The decision of the Finance Committee or a claims panel respecting a claim may be appealed to the Benchers in accordance with this Rule.

(2) An appeal under this Rule may be commenced by the claimant, the member concerned, assurance counsel or any person recognized by the Finance Committee or the claims panel at the hearing as an interested party by filing a notice of appeal containing an address for service with the Tribunal Office within the 30-day period following:

(a) the date on which the Finance Committee or the claims panel announced its decision, if the appellant or the appellant's counsel was present before the Committee when the decision was announced; or

(b) in any other case, the date on which the Executive Director, member or the member's counsel, the claimant, assurance counsel and any other person recognized by the claims panel at the hearing or by the appeal panel at the appeal as an interested party was provided with a copy of the redacted decision of the Finance Committee or the claims panel under Rule 142.1(13).

(3) An appeal to the Benchers under this Rule:

(a) shall be heard by an appeal panel consisting of no fewer than seven Benchers at least one of whom shall be a lay Bencher unless the Benchers direct that the claim will be heard by the Benchers in convocation;

(b) shall be based on the record of the hearing before the Finance Committee or the claims panel and on its written decision rendered to the parties; and

(c) shall be held in private, unless the Benchers, on application, direct that all or part of the appeal is to be held in public, in which case the appeal shall be subject to Rule 98.

(4) Upon the application of the claimant, the member concerned, any person recognized as an interested party or the Executive Director, the Chair of the Finance Committee or the appeal panel may order that the appellant pay all or part of the cost of preparing and distributing the record of the hearing prior to the appeal being heard or at the conclusion of the hearing.

(5) If an order has been made requiring the appellant to pay costs prior to the appeal being heard, and the costs have not been paid within 30 days of notice of the requirement to the appellant, the appeal shall be deemed to be abandoned. The Executive Director shall note the abandonment in the Society's records and notify the appellant, the member and any other person recognized at the hearing by the Finance Committee or the claims panel.

(6) The provisions of Rule 142.1 shall be followed for an appeal, with the exception that fresh evidence may not be submitted, unless the appeal panel hears and allows an application by any party to admit fresh evidence.

Feb2002;Feb2008;Jun2013;Jun2021

Preconditions to Payment of Claims

144 (1) Subject to subrule (2) and any limitation imposed by the Benchers on payments from the Fund, the Society shall make a payment of compensation to a claimant from the Assurance Fund in respect of all or part of a claim under section 89 of the Act if:

(a) the Executive Director, the Finance Committee or a claims panel has approved the payment in its adjudication and the Executive Director is satisfied that either;

(i) the appeal periods provided for in Rules 141.4(2) or 143 (as the case may be) have expired without an appeal having been taken,

(ii) any appeal commenced in accordance with Rules 141.4(2) or 143 (as the case may be) has been abandoned or deemed to be abandoned,

(iii) all persons entitled to appeal under 143(3)(a) have notified the Executive Director that they have waived their right to appeal and the Executive Director has waived the right of appeal,

(iv) the member did not oppose the claim, the Executive Committee has waived the right of appeal and no other person is entitled to appeal; or

(v) the appeal panel has confirmed the adjudication by the Finance Committee or the claims panel of the claim and the amount of compensation to be paid; or

(b) the appeal panel has approved the payment in its adjudication but in an amount different from that approved by the Finance Committee or the claims panel.

(2) A payment from the Assurance Fund approved by the Executive Director, a claims panel, the Finance Committee or the appeal panel may not be made unless the Executive Director is satisfied that all conditions imposed by the Executive Director, the Finance Committee, claims panel or the appeal panel, as the case may be, have been fulfilled.

Feb2002;Feb2008

PART 7
INDEMNITY PROGRAM

145 Repealed June 2014.

ALIA Board

145.1 (1) The ALIA Board

(a) shall supervise the administration of all aspects of the professional liability and misappropriation indemnity programs and any other program of insurance or indemnity that forms part of the indemnity program; and

(b) may investigate and make recommendations to the Benchers about any form of indemnity or insurance that may form part of the indemnity program.

(2) For purposes of this Part, and to facilitate its administration, any group insurance contract or indemnity policy to insure or indemnify against cyber risks, that has been approved by the ALIA Board, forms part of the indemnity program and is defined as "cyber coverage".

Jun2014;Jul2019;May2020;Sep2022

145.2 The ALIA Board shall

(a) have financial oversight responsibilities for the indemnity program;

(b) review and approve the draft budget and financial statements for ALIA;

(c) supervise

(i) the management and administration, and

(ii) the investments

of the indemnity program fund; and

(d) report to the Benchers.

Jun2014;Jul2019;Sep2022

DIVISION 1
PROFESSIONAL LIABILITY INDEMNITY ASSESSMENTS

Levy of Professional Liability Indemnity Assessments

146 (1) For the purposes of the professional liability indemnity program, indemnity assessments shall be determined by the ALIA Board and

(a) shall be levied prior to the commencement of a policy period and shall be applicable to that period, or for such other periods determined by the ALIA Board; and

(b) shall be levied on those members who are not exempt under this Division or suspended members on the first day of the policy period to which the assessment applies.

(2) The ALIA Board may levy indemnity assessments at a uniform rate or at differing rates for different classes of members.

(3) The ALIA Board may levy special assessments against any one or more members, including retroactive assessments and surcharges, based on claims history.

(4) Where during a policy period a person becomes an active member or is reinstated as an active member or a member ceases to be an exempt member, the professional liability indemnity assessment payable by the member shall be an amount determined by the ALIA Board.

Jun2014;Jun2019;Jul2019

Notice of Professional Liability Indemnity Assessments

147 (1) ALIA shall, at least 30 days prior to the commencement of each policy period, have posted electronically to the online Law Society account for each member liable for the payment of a professional liability indemnity assessment for that policy period a notice showing:

(a) the amount payable, including any special assessment;

(b) the payment due date; and

(c) any payment instalment information.

(2) In default of payment, the member shall stand automatically suspended, in accordance with rule 165, until, in accordance with rule 165.1, the member pays:

(a) the professional liability indemnity assessment;

(b) the prescribed transaction fee, which may be waived by the Executive Director in appropriate circumstances; and

(c) any other debts owing to the Society or ALIA.

Jun2014;Feb2016;Jul2019;Dec2020

Exempt Members

148 (1) The following classes of members are exempt from carrying professional indemnity insurance coverage and paying any professional liability indemnity assessment:

(a) a member not engaged in the practice of law in Alberta, where the member has filed with the Society an undertaking that the member will not engage in the practice of law;

(b) a member employed:

(i) by the government,

(ii) by a corporate or similar organization, other than a professional corporation, or

(iii) in another similar employment or independent contractor relationship exempted by the Executive Director, the ALIA President and Chief Executive Officer or their delegates;

(c) a member, or an applicant for enrolment as a member, whose principal practice of law is carried on outside Alberta and who is insured in another jurisdiction where:

(i) the member is insured under a similar professional liability indemnity or insurance program in that jurisdiction that would cover claims arising in Alberta, and

(ii) proof of comparable coverage is provided to the Society, upon request;

(d) a member who is an inactive or suspended member;

(e) a member who practices law solely on a pro bono basis exclusively through an organization designated by the Executive Director as an approved legal services provider of pro bono services; and

(f) a member otherwise exempted by the Executive Director or the ALIA President and Chief Executive Officer.

(2) The exemption provided by subrule (1) does not extend to any period in which the member is employed by the Legal Aid Society of Alberta, an approved legal services provider, a legal clinic, or any organization, in whatever form, providing legal services to members of the public or other organizations, unless exempted by the Executive Director, ALIA President and Chief Executive Officer or their delegates.

(3) A member who is exempt under subrule (1) shall complete any forms, declarations or undertakings required by the Society, in a form acceptable to the Executive Director.

(4) A member who maintains an exemption under subrule (1) shall immediately notify the Society if they no longer qualify for any such exemption.

(5) ALIA may give notice to a member exempt under subrule (1) requiring that the member provide, within the time set out in the notice, proof of eligibility to claim an exemption, failing which, the Executive Director may:

(a) direct that the exemption be terminated; or

(b) suspend the membership of the member until the member

(i) provides the proof of eligibility required by the notice, or

(ii) acknowledges the termination of the exemption and pays the indemnity assessment for the portion of the policy period following the date of the termination of the exemption.

(6) Members exempt under subrules (1)(b), (c) and (e) are still covered by the professional liability indemnity program for pro bono legal services rendered exclusively through an organization designated by the Executive Director as an approved legal services provider of pro bono services.

Jul2019;Sep2019

149 Repealed June 2014.

DIVISION 1.1
MISAPPROPRIATION INDEMNITY ASSESSMENTS

Misappropriation Indemnity Assessment

149.1 (1) For the purposes of the misappropriation indemnity program, indemnity assessments shall be determined by the ALIA Board and

(a) shall be levied prior to the commencement of a policy period and shall be applicable to that period, or for such other periods determined by the ALIA Board; and

(b) shall be levied on all members liable to pay a professional liability indemnity assessment, or who operate a trust account.

(2) The ALIA Board may levy indemnity assessments at a uniform rate or at differing rates for different classes of members.

(3) The ALIA Board may levy special assessments against any one or more members, including retroactive assessments and surcharges, based on claims history.

(4) Where during a policy period a person

(a) becomes an active member,

(b) is reinstated as an active member,

(c) ceases to be an exempt member, or

(d) operates a trust account,

the misappropriation indemnity assessment payable by the member shall be an amount determined by the ALIA Board.

Jun2014;Jun2019;Jul2019

Notice of Misappropriation Indemnity Assessments

149.2 (1) ALIA shall, at least 30 days prior to the commencement of each policy period, have posted electronically to the online Law Society account for each member liable for the payment of a misappropriation indemnity assessment for that policy period a notice showing

(a) the amount payable, including any special assessment;

(b) the payment due date; and

(c) any payment installment information.

(2) In default of payment, the member shall stand automatically suspended, in accordance with rule 165, until, in accordance with rule 165.1, the member pays:

(a) the misappropriation indemnity assessment;

(b) the prescribed transaction fee, which may be waived by the Executive Director in appropriate circumstances; and

(c) any other debts owing to the Society or ALIA.

Jun2014;Feb2016;Jul2019;Dec2020

149.3 Repealed July 1, 2019.

Jun2014;Feb2016

Authority to Direct an Investigation of a Claim

149.4 In the course of a review of a misappropriation indemnity claim, the ALIA President and Chief Executive Officer may instruct a Society investigator to undertake an investigation of the claim for ALIA.

Jun2014;Feb2017'Jun2019;Jul2019

DIVISION 1.2
CYBER COVERAGE ASSESSMENTS

Cyber Coverage Assessments

149.5 (1) Cyber coverage assessments shall be determined by the ALIA Board and

(a) shall be levied with the professional indemnity liability assessment, for such cyber coverage assessment period, being that period of time to which a cyber coverage assessment applies, as determined by the ALIA Board, and shall be applicable to that period, or for such other periods determined by the ALIA Board; and

(b) shall be levied on all members liable to pay a professional liability indemnity assessment, unless exempted by the Executive Director, ALIA President and Chief Executive Officer or their delegates.

(2) Active members covered by the professional liability indemnity under subrule 148(6) are exempt from the cyber coverage program.

(3) Where during a cyber coverage assessment period a person

(a) becomes an active member, indemnified under the professional liability indemnity,

(b) is reinstated as an active member, indemnified under the professional liability indemnity, or

(c) is an active member who ceases to be exempt from the professional liability indemnity,

the cyber coverage assessment payable by the member shall be an amount determined by the ALIA Board.

Sep2022

Notice of Cyber Coverage Assessments

149.6 (1) ALIA shall, at least 30 days prior to the payment due date of each cyber coverage assessment, have posted electronically to the online Law Society account for each member liable for the payment of a cyber coverage assessment a notice showing

(a) the amount payable;

(b) the payment due date; and

(c) any payment installment information.

(2) In default of payment, the member shall stand automatically suspended, in accordance with rule 165, until, in accordance with rule 165.1, the member pays:

(a) the cyber coverage assessment;

(b) the prescribed transaction fee, which may be waived by the Executive Director in appropriate circumstances; and

(c) any other debts owing to the Society or ALIA.

Sep2022

DIVISION 1.3
TRANSACTION AND FILING LEVY

Interpretation

149.7 (1) In this Part,

(a) “Member Transaction and Filing Levy Self-Report" means the report prepared by the member in accordance with subrule 149.9(1);

(b) "policy period" means a policy period under the group policy;

(c) "Transaction and Filing Levy" means the levy or levies set out in the Transaction and Filing Levy Schedule and payable to ALIA;

(d) "Transaction and Filing Levy Schedule" means, for any policy period in respect of which the ALIA Board determines to levy a Transaction and Filing Levy, the schedule established by the ALIA President and Chief Executive Officer for that policy period.

Dec2020;Sep2022;Oct2025

Transaction and Filing Levy

149.8 (1) For the purposes of the professional liability indemnity program, the ALIA Board may determine to levy a Transaction and Filing Levy in respect of any policy period.

(2) Where the ALIA Board levies a Transaction and Filing Levy in respect of any policy period, the ALIA Board shall determine the

(a) levy amounts;

(b) transactions and filings to which the levy applies;

(c) self-reporting and payment dates; and

(d) any other term of the levy,

all of which shall be set out in the Transaction and Filing Levy Schedule.

(3) Levy amounts shall be

(a) levied in respect of any transaction or filing to which the levy applies at the time a member provides a Member Transaction and Filing Levy Self-Report that discloses, or is required to disclose, the transaction or filing;

(b) applicable to the policy period, or such other periods, determined by the ALIA Board; and

(c) levied on those members who are not exempt under this Division, in accordance with subrule 149.9(4).

(4) The ALIA Board may establish levy amounts at a uniform rate or at differing rates for different transactions and filings.

Dec2020;Sep2022;Oct2025

Compliance Requirements

149.9 (1) For each policy period, a member shall, by the dates set out in the Transaction and Filing Levy Schedule,

(a) disclose each of the member's transactions and filings to which a Transaction and Filing Levy applies by completing the Member Transaction and Filing Self-Report, using the form approved by the ALIA President and Chief Executive Officer;

(b) provide to ALIA a completed Member Transaction and Filing Levy Self-Report, using the filing method approved by the ALIA President and Chief Executive Officer; and

(c) pay, in the required manner, the full amount of the Transaction and Filing Levy resulting from the transactions and filings disclosed, or required to be disclosed, in the Member Transaction and Filing Self-Report.

(2) A member shall maintain, for five years following the policy period to which a Transaction and Filing Levy applies and as part of the member's records, a list of every transaction and filing of the member that occurred in that policy period and of a kind identified in the Transaction and Filing Levy Schedule as being one to which the levy applies, whether or not the actual transaction or filing was exempt from the levy.

(3) A member is not required to comply with subrule (1)(b) in respect of a policy period if the member has no transactions or filings that the member would be required to disclose.

(4) A member is not required to comply with subrules (1) or (2) in respect of a policy period if the member is

(a) exempt from carrying professional liability indemnity coverage for the entire policy period pursuant to Rule 148(1), or

(b) specifically exempted from the requirement to do so by the ALIA President and Chief Executive Officer.

(5) The ALIA President and Chief Executive Officer may require a member to produce records of the member's transactions and filings for examination, review, audit or investigation for the purpose of ascertaining and advising as to whether provisions of this Division have been and are being complied with by the member.

(6) The President and Chief Executive Officer may exercise the authority provided in subrule (5) through a direction pursuant to rule 119.59.

(7) A member or law firm may not refuse to produce or make available any records or other property in compliance with the member's obligations under this Division on the grounds of solicitor and client privilege.

(8) The disclosure of privileged information to ALIA pursuant to this Division is not a waiver of privilege for any other purpose.

(9) ALIA shall not disclose or use any privileged information received under this Division for any purpose other than the administration of the Transaction and Filing Levy.

(10) If a member fails to pay the full amount of the Transaction and Filing Levy, the member shall stand automatically suspended as of the suspension date set out in the Transaction and Filing Levy Schedule.

(11) Rule 165.1 shall apply to any suspension under subrule (10).

Dec2020;Oct2021;Jan2022;Sep2022;Oct2025

DIVISION 2
THE INDEMNITY PROGRAM FUND

Indemnity Program Fund

150 (1) The income of the indemnity program fund accrues to the fund.

(2) Expenditures may be made from the indemnity program fund for the following purposes:

(a) the payment, in appropriate circumstance, of

(i) all or part of the indemnification payable under the indemnity program in respect of a claim; and

(ii) all or part of a member's deductible;

(b) the payment of expenses in connection with the maintenance and administration of the indemnity program, including, without limitation, expenses relating to claims and risk management, the services of consultants, brokers and adjusters, the defence of claims, loss prevention and education programs and accounting, office and administrative services;

(c) the payment of the costs of insuring any portion of the indemnity program determined by the ALIA Board;

(d) the investment of money in the fund and the payment of expenses relating to those investments; and

(e) the payment of amounts payable by the Society or ALIA under a contract or arrangement entered into pursuant to section 99(2)(a) of the Act.

Jun2014;Jun2019;Jul2019;May2020

Recovery of Deductible Amount

151 (1) Where the individual deductible in relation to a claim otherwise payable by a member or former member has been paid from the indemnity program fund, ALIA has the right to recover the amount on its own behalf or on behalf of the Society and may enter into an agreement with the member or former member for the repayment to ALIA of the amount by instalments or otherwise.

(2) Any member who fails

(a) to pay all or any part of the deductible portion of a claim for which that member is liable, or

(b) to enter into or is in default of any agreement made pursuant to subrule (1)

may be considered to be in breach of the professional and ethical duty to meet financial obligations.

(3) If a member is in arrears

(a) under an obligation under subrule (2)(a); or

(b) under an agreement entered into pursuant to subrule (1)

the total amount of the arrears, with interest, if any, will be deemed to be part of indemnity assessment levies pursuant to rule 146 and be subject to subrules 147(2) and 165(2).

Jun2014;Jul2019;Oct2025

Co-operation of Member

152 (1) A member shall:

(a) as soon as is practicable after learning of a claim or of circumstances which may give rise to a claim under the group policy, notify ALIA of the claim or circumstances;

(b) promptly furnish to ALIA any information relating to the claim or circumstances reasonably required by ALIA under the group policy; and

(c) forward to ALIA immediately every demand, notice, summons or other process received by the member and relating to the claim.

(2) A member shall comply with the terms of the group policy.

Jun2014;Jun2019

Retroactive Assessments

153 (1) In this Rule, "retroactive assessment" means an assessment levied retroactively on the indemnified party named in a Certificate of Indemnity, or the equivalent thereof, issued in respect of a specific policy term available through the Society, ALIA or its predecessor, the Alberta Lawyers Insurance Exchange.

(2) Each indemnified party shall pay, on or before the date specified, the full amount of any retroactive assessment.

(3) In default of payment, the member shall stand automatically suspended, in accordance with rule 165, until, in accordance with rule 165.1, the member pays:

(a) the retroactive assessment;

(b) the prescribed transaction fee, which may be waived by the Executive Director in appropriate circumstances; and

(c) any other debts owing to the Society or ALIA.

Jun2014;Jun2019;Jul2019

PART 8
PROFESSIONAL CORPORATIONS

Interpretation

153.1 In this Part, "Executive Director" includes the employees holding the positions of Manager of Membership and Customer Service, and Supervisor of Customer Service, and lawyers employed or contracted by the Society to review applications and other materials under this Part.

Feb2004;Sep2019;Apr2022;Oct2023;Oct2025

Register of Professional Corporations

154 (1) The Executive Director shall maintain a register of professional corporations containing the following information for each professional corporation:

(a) the name and registered office of the professional corporation; and

(b) the date the most recent permit or renewal was issued to the professional corporation.

(2) Upon request, the Society shall disclose to any person the name of a professional corporation.

(3) The Executive Director shall maintain other records for professional corporations as specified by the Benchers.

Dec2019;May2025;Oct2025

Approval re. Incorporation

155 (1) Where a person proposes to incorporate a corporation under the *Business Corporations Act* with the intention of obtaining a permit for the corporation under Part 8 of the Act:

(a) the person shall forward to the Executive Director any information required by the Executive Director for the purposes of this subrule; and

(b) the Executive Director shall issue a statement of approval of the articles on behalf of the Society pursuant to section 7(2) of the *Business Corporations Act* if the Executive Director is satisfied that the articles are in compliance with the Act and these Rules.

(2) Subrule (1) of this Rule and Rule 156(1) apply, with the necessary modifications, to cases where a person proposes to file:

(a) articles of continuance to continue a body corporate as a Professional Corporation under the *Business Corporations Act*;

(b) articles of amendment under the *Business Corporations Act* to change the name of a corporation to a name denoting a Professional Corporation under the *Business Corporations Act*; or

(c) articles of amalgamation under the *Business Corporations Act* under which the amalgamated corporation will be a Professional Corporation under the *Business Corporations Act*,

with the intention of obtaining a permit for the corporation under Part 8 of the *Legal Profession Act*.

(3) For the purposes of applying subrule (2):

(a) references in subrule (1) of this Rule and Rule 156(1) to a certificate of incorporation shall, where appropriate, be read as a reference to a certificate of amalgamation; and

(b) references in those subrules to articles of incorporation shall be read as references to articles of continuance, articles of amendment or articles of amalgamation, as the case may be.

Apr2009;May2025

Application for Permit

156 (1) A corporation may apply to the Executive Director for a permit for the corporation under Part 8 of the Act by submitting:

(a) an application for a permit in a form acceptable to the Executive Director;

(b) a reproduced copy of the corporation's certificate of incorporation under the *Business Corporations Act*; and

(c) the prescribed application fee.

(2) A professional corporation shall inform the Executive Director of any change in the particulars set forth in the application furnished pursuant to subrule (1), by providing to the Executive Director a Statement of Particulars in a form acceptable to the Executive Director within 15 days of the change.

May2025

Form of Permit

157 Repealed May 2025.

May2025

Renewal of Permit

158 (1) The Executive Director shall in each year post electronically to the online Law Society account for each voting shareholder of a professional corporation a notice respecting the renewal of its permit.

(2) A professional corporation wishing to have its permit renewed for the following calendar year shall complete the renewal requirements, before December 31 in each year, including:

(a) providing a declaration that the professional corporation continues to meet the requirements of subsection 131(3) of the Act; and

(b) payment of the prescribed renewal fee.

(3) Upon successful completion of the renewal process, the Executive Director shall issue an annual renewal certificate to a professional corporation.

(4) Where a professional corporation fails to comply with the requirements of this Rule, the Executive Director shall notify the professional corporation that its permit has expired, shall enter the expiration of the permit into the register of professional corporations, and shall notify the Registrar of Corporations accordingly.

(5) Where the permit of a professional corporation expires under this Rule and the professional corporation wants to renew its permit with the Law Society, the information required, the fee required, and all other aspects of the application will be the same as if the professional corporation had never obtained a permit from the Law Society.

(6) A lawyer may not practice as a barrister or solicitor through a professional corporation with an expired permit.

(7) Where the permit of a professional corporation expires under this Rule and the professional corporation wants to renew its permit with the Law Society retrospectively:

(a) The professional corporation:

(i) shall provide all of the information required for application for a permit;

(ii) shall pay the fee required for application for a permit, plus the fee for all past years for which the professional corporation is applying for retrospective renewal; and

(iii) shall advise why the permit was not kept current, whether any trust funds have been held in the name of the professional corporation during the period for retrospective renewal, and whether the requisite trust records were kept up to date; and

(b) The Executive Director shall determine whether to grant the application for retrospective renewal, taking into account whether the requirements set out in the Act and the Rules are met for each year involved and whether a retrospective renewal could reasonably be prejudicial to the public, the Law Society or the profession.

May2025

Corporate Name

159 (1) In addition to complying with the naming requirements in the *Business Corporations Act* and the Business Corporations Regulation, the name of a professional corporation must comply with the following:

(a) the name of a professional corporation having one voting shareholder

(i) shall consist of

(A) one or more of the first name, first and middle names or initials of the voting shareholder, and

(B) the surname of the voting shareholder, and

(ii) may include the honorific “KC” properly attributable to the one voting shareholder of the corporation

(b) the name of a professional corporation having two or more voting shareholders

(i) shall consist of

(A) the surname of at least one active practising member of the Society who is a voting shareholder of the corporation, with or without the first name, first and middle names or initials of that member, or

(B) the surname of at least one member or former member whose name appeared in the name of any law firm whose practice was acquired by the professional corporation, and

(ii) may include the words “and company”; “and partners”; or “and associates”.

(2) Notwithstanding subclause (1)(b)(i)(B), the name of a professional corporation shall not, apart from the words "Professional Corporation", consist solely of the name of an inactive member or a deceased member.

(3) Notwithstanding subrule (1) the name of a professional corporation may include any words necessary in order to facilitate the registration of a professional corporation extra-provincially in another jurisdiction.

Apr2009,Sep2022;May2025

PART 8.1
LIMITED LIABILITY PARTNERSHIPS

Interpretation

159.1 In this Part, "Executive Director" includes the employees holding the positions of Manager of Membership and Customer Service, and Supervisor of Customer Service, and lawyers employed or contracted by the Society to review applications and other materials under this Part.

Feb2004;Sep2019;Apr2022;Oct2023;Oct2025

Register of LLPs

159.2 (1) The Executive Director shall maintain a register of LLPs containing the following information for each LLP:

(a) the name of the LLP and the address of its registered office;

(b) the names of the members of the Society who are partners in the LLP, or who hold shares in a professional corporation that is a partner in the LLP; and

(c) the date of the Society's initial approval of the LLP's application for registration under Part 3 of the *Partnership Act*.

(2) Upon request, the Society shall disclose to any person the name of an LLP and the address of its registered office.

(3) The Executive Director shall maintain other records for LLPs as specified by the Benchers.

Dec2019;Oct2025

Changes to LLP

159.3 (1) A registered Alberta LLP shall

(a) notify the Executive Director when an extra-provincial partner is added to the partnership of the LLP, whether as an individual or a shareholder in a professional corporation or equivalent in their jurisdiction that is a partner in the LLP, and

(b) provide a declaration that the extra-provincial partner is a member of their provincial or territorial law society who is entitled to practice law.

(2) A registered LLP shall notify the Executive Director of changes to the information specified in subrule (1) and in Rule 159.2:

(a) in writing,

(b) within 30 days following any change; and

(c) with the prescribed fee for registration of the change.

(3) A registered LLP shall notify the Executive Director immediately if the LLP no longer continues to be registered with the Province of Alberta as an Alberta LLP or as an extra-provincial LLP, as the case may be, pursuant to Part 3 of the *Partnership Act*.

Oct2025

Registration of LLP

159.4 (1) A partnership that consists of one or more partners, whether individuals or professional corporations, that carry on the practice of law and applies under Part 3 of the *Partnership Act* to register

(a) as an Alberta LLP, or

(b) as an extra-provincial LLP and has the status of an LLP under the laws of a jurisdiction outside Alberta,

must forward to the Executive Director;

(c) an application, in a form acceptable to the Executive Director,

(d) the prescribed fee, and

(e) any other information required by the Executive Director for the purposes of this Part.

Oct2025

Registration of Alberta LLP

159.5 In addition to the information required under Rule 159.4, an applicant to register as an Alberta LLP must provide

(a) the names of the members of the Society who are partners in the LLP or who hold shares in a professional corporation that is a partner in the LLP,

(b) a declaration that all members named under clause (a) are active members of the Society who are covered by indemnity coverage in the form and amount required by these Rules,

(c) the name, business address and residential address of the partner in Alberta who is designated as the representative of the partnership in respect of matters relating to the partnership;

(d) the Alberta address of the registered office of the LLP and the separate post office box, if any, designated as the LLP's address for service by mail; and

(e) a declaration that each of the persons who will carry on the practice of a barrister and solicitor on behalf of the LLP is an active member of the Society who is covered by indemnity coverage in the form and amount required by these Rules.

Jul2019;Oct2025

Registration of Extra-Provincial LLP

159.6 In addition to the information required under Rule 159.4, an applicant to register as an extra-provincial LLP must provide

(a) a declaration that the LLP has the status of an LLP under the laws of a Canadian jurisdiction outside Alberta,

(b) the names of the Alberta members of the Society who are partners in the LLP, or who hold shares in a professional corporation that is a partner in the LLP,

(c) a declaration that all members named under clause (b) are active members of the Society who are covered by indemnity coverage in the form and amount required by these Rules,

(d) the name, business address and residential address of the partner who is designated as the Alberta representative of the partnership in respect of matters relating to the partnership;

(e) a declaration that all of the individuals who are partners of the extra-provincial LLP, or who hold shares in a professional corporation that is a partner in the LLP, are members or licensees of a Canadian law society and eligible to practice law, and

(f) a declaration that each of the persons who will carry on the practice of a barrister and solicitor on behalf of the partnership in Alberta is an active member of the Society who is covered by indemnity coverage in the form and amount required by these Rules.

Jul2019;Oct2025

Indemnity Requirements

159.7 A member of the Society who is a partner in an LLP, or who holds shares in a professional corporation that is a partner in an LLP, must have and maintain professional liability indemnity coverage providing coverage of at least $1,000,000 per occurrence and $2,000,000 in the aggregate.

Jul2019;Oct2025

Executive Director Statement

159.8 When the Executive Director is satisfied that all eligibility requirements are met, the Executive Director shall issue a statement pursuant to

(a) section 82(4)(b) of the *Partnership Act* certifying that the partnership and the partners meet all eligibility requirements for practice as an Alberta LLP that are imposed by the Benchers from time to time pursuant to the Act, or

(b) section 94(3)(b)(ii) of the *Partnership Act* certifying that the partnership and the Alberta partners meet all eligibility requirements for practice as an extra-provincial LLP that are imposed by the Benchers from time to time pursuant to the Act.

Oct2025

Other Eligibility Requirements

159.9 The Executive Director shall not issue a statement of certification under Rule 159.8 if the applicant partnership has one or more partners, whether individuals or professional corporations, that are not entitled to carry on the practice of law.

Oct2025

Proof of Registration

159.10 Within 15 days of receiving registration as an LLP from the Registrar of Corporations, an LLP shall provide proof of the registration to the Law Society.

Oct2025

Notification of Non-Compliance

159.11 The Executive Director, or any other person so authorized by the Benchers from time to time, shall provide notification to the Registrar of Corporations in accordance with the *Partnership Act* if the Society becomes aware of the failure of an LLP or one or more of its partners to maintain compliance with the requirements imposed on an LLP and its partners pursuant to these Rules and the Act.

Oct2025

Renewal of Permit

159.12 Repealed August 2026.

Jun2013;Feb2016;Jul2019;Oct2025;Aug2026

PART 9
SOCIETY FEES AND ASSESSMENTS

DIVISION 1
FEES, ASSESSMENTS AND OTHER CHARGES

Interpretation

160 In this Part,

(a) "assessment" includes an Assurance Fund levy, a misappropriation indemnity assessment, a professional liability indemnity assessment, a retroactive assessment under rule 153, a cyber coverage assessment, a Transaction and Filing Levy, or a library assessment under rule 171; and

(b) “Executive Director” includes a delegate of the Executive Director.

Feb2004;Jun2013;Jun2014;Jul2019;Dec2020;Sep2022

Prescribing Fees and Assessments

161 The fees are as set out in the fee schedule.

Feb2001;Dec2020

Remission of Fees

162 (1) Subject to subrule (2),

(a) the Audit and Finance Committee may order the remission of all or any part of any fee or assessment payable to the Society; and

(b) the ALIA Board may order the remission of all or any part of the professional liability indemnity assessment, the misappropriation indemnity assessment, a cyber coverage assessment, or a Transaction and Filing Levy payable to ALIA;

by a member, a student-at-law or a professional corporation, if, in the Committee’s or the ALIA Board’s opinion, as the case may be, it is appropriate to do so because of an appointment to a judicial office, the death of the member or student-at-law, or circumstances that would impose undue hardship on the member or student-at-law.

(2) The Benchers may order the remission of any fee or assessment payable to the Society, and the ALIA Board may order the remission of the professional liability indemnity assessment, the misappropriation indemnity assessment, a cyber coverage assessment, or a Transaction and Filing Levy imposed on a member in any year, where the membership of the member was under suspension during all or part of that year, and, in the opinion of the Benchers or the ALIA Board, as the case may be, it is appropriate to order the remission.

Jun2013;Jun2014;Feb2016;Jul2019;Dec2020;Sep2022

Annual Fee

163 (1) The Executive Director shall, at least 30 days prior to the membership period in each year, post electronically to the online Law Society account for each member a notice setting out the amount of the annual fee payable for that year.

(2) The notice required by subrule (1) will show:

(a) the amount payable;

(b) the payment due date; and

(c) any payment instalment information.

(3) If a member is in arrears respecting a payment to the Society or ALIA under an agreement made pursuant to Rule 151(1), the Executive Director may include in the notice given to the member under subrule (1) the amount of the arrears and, on doing so, the arrears are deemed to be part of the annual fee for the purposes of this Rule and Rules 164, 165 and 166.

Feb2016;Dec2020

Liability for Annual Fee and Assessments

164 (1) Subject to subrules (2) and (3), a member's liability to the Society for an annual fee arises on

(a) the due date provided in the notice under rule 163 of the year for which the fee is imposed, or,

(b) if on the date provided in the notice posted under subrule (1) the membership of the member is under suspension, the date on which the membership of the member is no longer under suspension.

(2) A member's liability to the Society or ALIA for a professional liability indemnity assessment, a misappropriation indemnity assessment, a cyber coverage assessment and a Transaction and Filing Levy arises on the date or dates for payment specified in the notice posted to the member's online Law Society account on behalf of ALIA under rule 147, rule 149.2, rule 149.6 and rule 149.9, respectively.

(3) An inactive member (retired) is not liable for fees and assessments which fall due after the member makes an election under Rule 68 (3).

(4) Where, prior to the due date provided in the notice under rule 163 in any year, an active member:

(a) submits an election under rule 69 (1) to become an inactive member, which election is approved by the Executive Director; and

(b) pays the annual fee payable by inactive members,

the Executive Director may waive the member's liability for the annual fee payable by active members for that year, notwithstanding the Executive Director's approval is given after the due date provided in the notice under rule 163 in that year.

(5) Where, prior to the date provided in the notice under rule 163 in any year, a member applies to resign under rule 69, which application is approved by the Benchers, the Benchers may waive the member's liability for the annual fee and library assessment notwithstanding the Benchers' approval is given after the date provided in the notice under rule 163 in that year.

(6) A member's liability to the Society or ALIA for any payment specified in a notice posted to the member's online Law Society account is their own responsibility and not that of their law firm or other organization or person.

Jun2014;Feb2016;Jul2019;Dec2020;Feb2021;Sep2022;May2025

Member Information Update

164.1 (1) The Executive Director shall, at least 30 days prior to the membership period in each year, make available electronically on each member's online Law Society account a copy of the Member Information Update requirements, the content of which will be determined by the Executive Director.

(2) Each member must complete the Member Information Update requirements electronically no later than March 15 of that year, subject to any extension of time authorized by the Executive Director's delegate.

Nov2002;Feb2014;Feb2016;Dec2020

Sanctions for Late Payment

165 (1) If a member is liable in any year for the payment of the annual fee under rule 163 or library assessment under rule 171, in default of payment, the member shall stand automatically suspended as of the day immediately following the due date.

(2) If a member is liable in any year for one or more of the payment of the professional liability indemnity assessment under rule 147, the misappropriation indemnity assessment under rule 149.2, the cyber coverage assessment under rule 149.6, a Transaction and Filing Levy under rule 149.9 and a retroactive assessment under rule 153, in default of payment, the member shall stand automatically suspended.

(3) In the event the member elects to pay one or more of the annual fee, the professional liability indemnity assessment, the misappropriation indemnity assessment or the cyber coverage assessment in instalments, in default of payment of any instalment, the member shall stand automatically suspended.

Feb2005;Jun2014;Feb2016;Jun2019;Jul2019;Sep2019;Dec2020;Sep2022

Administrative Rules Suspension

165.1 (1) A member suspended by operation of Rules 67.3, 67.4, 109.7, 119.38, 147, 149.2, 149.6, 149.9, 153 or 165, defined as a rules suspension under subrule 167(1)(b), is the subject of an administrative rules suspension.

(2) A member who stands suspended pursuant to a rule listed in subrule (1) shall have fifteen days from the date of suspension to either:

(a) make, to the satisfaction of the Executive Director, the necessary arrangements for an active practising member to take possession of his or her files and records and take responsibility for the provision of legal services to his or her clients; or

(b) seek reinstatement through compliance with all requirements of the relevant rule and payment of all necessary fees and levies, including the suspension transaction fee, which may be waived by the Executive Director in appropriate circumstances, and any other debts owing to the Society or ALIA,

failing which the Society will apply to have a custodian of the suspended member's practice appointed pursuant to section 95 of the *Legal Profession Act*, and to seek reimbursement of the costs of that custodianship from the suspended member, pursuant to section 97 of the *Legal Profession Act*.

(3) An administrative rules suspension terminates and a member is reinstated when the member under suspension complies with the requirements for reinstatement.

(4) A member must seek reinstatement from an administrative rules suspension within fifteen days of the date of suspension to be permitted reinstatement in accordance with subrule (3) failing which, a member seeking reinstatement from an administrative rules suspension must comply with Rule 110 notwithstanding Rule 110(1)(c).

Feb2016;Sep2016;Jun2017'Jun2019;Jul2019;Sep2019;Dec2020;Feb2021;Oct2021;Jan2022;Sep2022;Oct2025;May2026

Annual Certificate

166 Repealed May 2025.

Nov2002;Feb2003;Feb2014;Jun2014;Jun2019;May2025

DIVISION 2
RECOVERY FOLLOWING TERMINATION OF DISCIPLINARY SUSPENSION

Interpretation

167 (1) In this Division:

(a) "disciplinary suspension" in relation to a member means:

(i) the suspension of the membership of the member imposed by or ordered pursuant to Part 3 of the Act, or

(ii) a disbarment order deemed by subrule (2) to operate as a suspension of the membership of the member for the purposes of this Division;

(b) "rules suspension" means a suspension of the membership of a member imposed by the operation of rules 67.3, 67.4, 109.7, 119.38, 147, 149.2, 149.6, 149.9, 153 or 165 or their predecessors in the former Rules; and

(c) "termination", in relation to a disciplinary suspension, includes:

(i) expiration of the suspension,

(ii) a stay of the operation of the disciplinary suspension ordered under section 75(7) or 80(8) of the Act, or

(iii) the quashing of the order for the disciplinary suspension pursuant to section 77 or 82 of the Act or as a result of judicial review proceedings under the Alberta Rules of Court.

(2) If a disbarment order made against a member is stayed pursuant to section 75(7) or 80(8) of the Act or is quashed pursuant to section 77 or 82 of the Act or as a result of judicial review proceedings under the Alberta Rules of Court then, for the purposes of this Division, the disbarment order is deemed to operate as a suspension of the membership of the member for the period in which the disbarment order remained in effect.

(3) The operation of a disciplinary suspension or rules suspension is not affected by the termination of any other suspension of the membership of the same member.

Nov2010;Feb2016;Sep2016;Jun2017;Jun2019;Jul2019;Sep2019;Feb2021;Oct2021;Jan2022;Sep2022;May2026

Suspension for non-payment Following Disciplinary Suspension

168 (1) On the termination of a member's disciplinary suspension, the membership of that member is automatically suspended under this rule if one or more of the following circumstances exist with respect to the member at the time of the termination of the member's disciplinary suspension:

(a) the prescribed annual fee is then owed by the member for the current year and has not been paid in full;

(b) any arrears of annual fees owing by the member for any previous years have not been paid in full;

(c) any Assurance Fund levy owing by the member for the current year has not been paid in full;

(d) all arrears of the Assurance Fund levies and/or misappropriation indemnity assessments owing by the member for previous years have not been paid in full;

(e) all arrears of penalties owing by the member under rule 165 of these Rules or rule 152 of the former Rules have not been paid in full;

(f) the professional liability indemnity assessment, misappropriation indemnity assessment, cyber coverage assessment, or a Transaction and Filing Levy owing by the member for the current year under rules 147, 149.2, 149.6, or 149.9 respectively, have not been paid in full unless the member is then exempted from the payment of the professional liability indemnity assessment and/or the misappropriation indemnity assessment for that year;

(g) all arrears of professional liability or misappropriation indemnity assessments owing by the member for previous years have not been paid in full;

(h) all arrears of cyber coverage assessments owing by the member for previous years have not been paid in full; or

(i) any arrears of Transaction and Filing Levy amounts owing by the member have not been paid in full.

(2) A member, suspended under this Rule, may apply to the Executive Director pursuant to Rule 110 to be reinstated as a member.

Jun2014;Jun2019;Jul2019;Sep2019;Dec2020;Sep2022;May2026

Consequences of Continuation of Rules Suspension

169 Unless a member is the subject of proceedings under Part 3 of the Act, the name of a member shall be struck off the Roll following the expiration of a period of 10 consecutive years during which the membership of the member has been subject to:

(a) a rules suspension, as defined in clause 167(1)(b); or

(b) a suspension under Rule 168.

May2025

DIVISION 3
LIBRARY ASSESSMENTS, FEES AND FINES

Fees, Disbursements and Fines

170 (1) In this Rule:

(a) "chief librarian" means the librarian in charge of the operation of the law library system;

(b) "Joint Library Committee" means the committee established pursuant to agreement dated 4 June 1949 between the Province of Alberta and the Society;

(c) "law library" means a law library maintained wholly or partly by funds of the Society;

(d) "library fine" means a pecuniary penalty prescribed by the Benchers pursuant to subrule (2);

(e) "member" includes a student-at-law.

(2) For the purposes of this rule, after considering the recommendations of the Joint Library Committee, the Benchers, or the Audit and Finance Committee may prescribe:

(a) the services and disbursements for which law libraries may charge a fee in addition to the assessments already paid by the members under rule 171;

(b) the amounts that may be charged for those services and disbursements;

(c) a schedule of fines to be imposed on members for contravening subrule (3); and

(d) the time within which a fine referred to in clause (c) must be paid to the Joint Library Committee by a member after the member is notified of its imposition by the chief librarian.

(3) On or before the recorded return or payment date:

(a) a member who borrows any library material from a law library must return that material to the same law library in the same condition that it was in at the time of borrowing; and

(b) a member who requests and obtains a service for which a fee or disbursement is set under subrule (2) must pay the amount owing.

(4) If a member contravenes subrule (3) by:

(a) returning the library material after the recorded return date;

(b) returning the library material in a damaged condition;

(c) failing for any reason to return the library material after the recorded return date, or

(d) failing to make a payment on time as required by subrule (3)(b),

the member shall pay to the Joint Library Committee the appropriate library fine for the contravention within the time prescribed under subrule (2)(d) for its payment on being notified by the chief librarian of the amount of the fine and the time limited for its payment.

(5) Notwithstanding Rule 1(2), a library fine shall be paid by means of cash or a cheque payable to the Joint Library Committee and delivered or mailed to the chief librarian or the librarian in charge of the library from which the material was borrowed.

(6) The payment of a library fine for a contravention of subrule (3) does not affect the liability of the member to pay to the Joint Library Committee compensation for the loss or loss of use of the library material, for damage caused to the library material, or for the fee for a service provided or for a disbursement incurred on behalf of the member under subrule (2).

(7) If a member:

(a) fails to pay a library fine within the time prescribed for its payment; or

(b) fails to pay compensation for the loss, or loss of use, of library material, or for damage to library material, or

(c) fails to pay the fee for a service provided or for a disbursement incurred on behalf of the member under subrule (2),

within a reasonable time after a demand by the chief librarian to do so, the Chair of the Joint Library Committee may, without further investigation or notice to the member, order the suspension of the member's library privileges at the law library concerned or at all law libraries in Alberta and shall give written notice of the suspension to the member and to the chief librarian.

Feb2003;Jun2013;Feb2016

Library Assessments

171 (1) For the purpose of raising funds to support the maintenance by the Society of law libraries, the Benchers may levy on:

(a) all active members; or

(b) all active members practising in a specified area of Alberta,

assessments called "library assessments".

(1.1) Notwithstanding subrule (1), no library assessment shall be levied on active members who are exempt from professional liability indemnity coverage under rule 148(1)(e).

(2) Money recovered by the Joint Library Committee by way of library assessments shall be segregated from other funds of the Society and used solely for the maintenance of law libraries in Alberta.

Dec2005;Jul2019

PART 10
REPEAL AND COMMENCEMENT

Repeal

172 (1) In this Part, "the old Rules" means the Rules of The Law Society of Alberta enacted effective May 1, 1991, and all amendments of those Rules.

(2) Subject to Rules 174 and 175, the old Rules are repealed, effective 15 August, 1994.

Coming into Force

173 Subject to Rules 174 and 175, these Rules come into force on August 15, 1994.

Coming into Force of Division 5 of Part 2

174 (1) Division 5 of Part 2 of these Rules shall come into force, with respect to members of such extra-provincial law society or societies, on such date or dates as the Benchers may determine, having regard, without limitation, to reciprocal or other arrangements with those extra-provincial law society or societies.

(2) Rule 65.1 of the old Rules shall remain in force with respect to applications by members of extra-provincial law societies, until Division 5 of Part 2 of these Rules comes into force with respect to the members of those extra-provincial law societies.

Continuance of Division 2 of Part 3 of the Old Rules

175 Notwithstanding Rule 173, Division 2 of Part 3 of the old Rules shall remain in force with respect to all matters regarding members' conduct to which that Division applies.