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January 24, 2013

NOTICE TO THE PROFESSION

NOTICE TO: All Active Lawyers and Students-at-Law,
All Executive Directors of other Law Societies in Canada,
All Justices of the Court of Appeal and Court of Queen's Bench,
All Judges of the Provincial Court of Alberta,
All Masters in Chambers,
All Clerks of the Court

Notice of Disbarment

On January 10, 2013, a Resignation Committee of the Benchers of the Law Society of Alberta granted the application of **Philip L. Fiess** to resign, pursuant to section 61 of the *Legal Profession Act*, R.S.A. 2000, c. L-8, and Rule 92 of the *Rules of the Law Society of Alberta*, effective immediately. Mr. Fiess is therefore disbarred.

Mr. Fiess was an Inactive/Non-Practising member of the Law Society of Alberta. He resides in Yellowknife, Northwest Territories, and practised in Calgary, Alberta from July 30, 1980 until April 19, 2011.

It was alleged that Mr. Fiess misappropriated trust funds, borrowed funds from one or more clients who did not have independent legal representation and when the transactions were not fair and reasonable to his clients, failed to follow accounting rules of the Law Society of Alberta, failed to properly distinguish the amounts attributable to fees and disbursements on his Statements of Account, failed to comply with trust conditions, failed to conscientiously serve his clients, failed to be candid with his clients and the Law Society, failed to comply with a condition imposed upon him by the Benchers of the Law Society, and failed to satisfy a financial commitment incurred in his practice without reasonable justification.

Mr. Fiess admitted facts to support the allegations under investigation to justify disbarment; however, due to the circumstances involved, the Resignation Committee decided not to make a referral to the Minister of Justice and Attorney General.

Mr. Fiess previously transferred all of his open files to:

Brenda L. Edwards
Edwards Law Office
100, 625 – 14th Street NW
Calgary, AB T2N 2A1
Tel: (403) 313-8313
Fax: (403) 3138314

The Resignation Committee directed that Mr. Fiess pay set costs of \$3,000.00 for the discipline proceedings and the resignation application, prior to any application for re-admission.

Michael Penny, QC
Deputy Executive Director
Law Society of Alberta