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UCP Grievance Politics Takes Aim at the Law Society of Alberta

By: Shaun Fluker

Matter commented on: [Review of Professional Regulators, October 23, 2024](#)

On October 23, 2024, the UCP government announced it was spending public money to find a solution to a problem that does not exist: aka the [Review of Professional Regulators](#). This exercise of grievance politics includes within its scope the [Law Society of Alberta](#), and as a member of the law society, I received an email invitation to take the government's survey. This post discloses my answers to the survey.

While the government indicates the survey is for lawyers to complete, in fact anyone can complete the survey if they are provided with the survey link. At no point does the process attempt to authenticate the user. Indeed, it appears that the same person can complete the survey as many times as they wish. Accordingly, there are no controls on the outcome of this survey. The survey asks for final comments at the end, and here were mine:

This survey is an embarrassment. The independence of lawyers from partisan politics has never been more important to democracy than it is today.

What follows is the survey and my answers, highlighted in blue text.

Regulation of the Legal Profession in Alberta

The Government of Alberta wants to understand if regulatory oversight of Alberta's lawyers goes beyond issues of professional competence and ethics.

Alberta's government is conducting a review of the province's regulated professions to gather input that will inform potential legislative changes to limit the scope of regulatory oversight to professional competence and ethics. Eleven ministries with regulated professions in scope for this review will collect information and engage with professional regulatory bodies and other relevant groups as needed to inform policy decision-making.

If the review shows that professional regulatory bodies are exercising oversight that goes beyond their legitimate mandate, government may consider legislative changes to clarify that professional regulatory bodies are to regulate within their mandate of dealing with competence and ethics.

The Ministry of Justice is undertaking a review of the regulation of the legal profession and its regulatory body, the Law Society of Alberta. The review will help determine if the Law Society of Alberta's regulatory oversight of Alberta's lawyers goes beyond issues of professional competence and ethics in areas such as:

- freedom of expression and opinion;
- mandatory training not directly related to professional competence;
- vexatious complaints and complaints brought in bad faith;
- third party complaints; and
- regulating actions performed by those holding other roles in addition to their Law Society of Alberta membership.

This review will gather information on what standards and guidelines are being set by the Law Society of Alberta, and whether those standards exceed the requirements of professional competence and ethics, and/or may unnecessarily limit members' rights and freedoms. While it is important that the Law Society of Alberta uphold the public interest in regulating Alberta lawyers, it is also critical that members' rights to free expression, opinion, thought and belief are respected and not unnecessarily limited.

The survey should take 10 to 15 minutes to complete and closes November 29, 2024.

Demographics

1. Which best describes your role in relation to the Law Society of Alberta?

- **Lawyer - Active**
Lawyer - Inactive
Other

2. What is the size of your practice (including in-house and non-firm)?

- **Small (5 lawyers or fewer)**
Medium (6 - 20 lawyers)
Large (21 lawyers or more)

3. Where is your practice (including in-house and non-firm)?

- Rural firm
Urban firm
Other: Please explain

PART I: Freedom of Expression and Opinion

For each of the following statements, please select the response that best reflects your opinion:

4. I am able to freely exercise my right to freedom of expression and opinion within the legal profession given current regulations, policies and the code of conduct.

Strongly agree

- **Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Unsure
- I prefer not to answer

5. It should not be within the mandate of the Law Society of Alberta to impose restrictions on a lawyer's freedom of expression when not representing the legal profession.

Strongly agree

Agree

Neither agree nor disagree

- **Disagree**
- Strongly disagree
- Unsure
- I prefer not to answer

6. Current restrictions strike a fair balance between my civil liberties and professional conduct and responsibility.

Strongly agree

- **Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Unsure
- I prefer not to answer

PART II: Mandatory Training

For each of the following statements, please select the response that best reflects your opinion.

7. Does the Law Society of Alberta currently require any mandatory training not directly related to professional competence or ethical conduct?

Yes

- **No**
- Prefer not to answer

8. Should the Law Society of Alberta have the ability to require mandatory training not directly related to professional competence or ethical conduct?

- **Yes**
No
Prefer not to answer
9. Mandatory cultural competency training brings value to the practice of law in Alberta.
- Strongly agree
 - **Agree**
Neither agree nor disagree
Disagree
Strongly disagree
Unsure
I prefer not to answer
10. The current cultural competency training required for lawyers is ideological in nature.
- Strongly agree
Agree
Neither agree nor disagree
 - **Disagree**
Strongly disagree
Unsure
I prefer not to answer
11. Cultural competency training should be mandatory for lawyers.
- Strongly agree
 - **Agree**
Neither agree nor disagree
Disagree
Strongly disagree
Unsure
I prefer not to answer

PART III: Conduct of Members in Multiple Roles

For each of the following statements, please select the response that best reflects your opinion.

12. It is in the public's interest that professional disciplinary action extends to actions by regulated professionals in functions outside their lawyer role.
- Strongly agree
 - **Agree**
Neither agree nor disagree
Disagree

Strongly disagree
Unsure
I prefer not to answer

13. The current policies surrounding the regulation of the legal profession restrict or hinder lawyers from serving in roles outside the scope of the profession (e.g., volunteer, politician, board member, etc.).

Strongly agree
Agree
Neither agree nor disagree
• **Disagree**
Strongly disagree
Unsure
I prefer not to answer

14. Section 13 of Ontario's Law Society Act grants special immunities to the Attorney General from proceedings or penalties from the law society for actions performed while in that role. Alberta should adopt similar immunities for its Attorney General and/or elected officials.

Strongly agree
Agree
Neither agree nor disagree
• **Disagree**
Strongly disagree
Unsure
I prefer not to answer

PART IV: Vexatious, Third Party, and Bad Faith Complaints

For each of the following statements, please select the response that best reflects your opinion.

15. There should be a separate process for assessing complaints brought by a client versus complaints brought by members of the public or by a third-party who has not had dealings with the member who is the subject of the complaint.

Strongly agree
Agree
Neither agree nor disagree
• **Disagree**
Strongly disagree
Unsure
I prefer not to answer

16. To filter out bad faith complaints, there should be limitations on who can and cannot file complaints with the Law Society of Alberta.

- Strongly agree
- **Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Unsure
- I prefer not to answer

17. Who should be able to file complaints against a lawyer?
Select all you believe should apply.

- **Their clients**
- **Members of the public**
- **Advocacy groups**
- **Other members of the legal profession**
- Others:

18. The Law Society of Alberta 2023 Annual Report indicates an uptick in complaints brought against members of the profession. Based on your experience, to what extent do you agree that this uptick is driven by bad faith complaints?

- Strongly agree
- Agree
- Neither agree nor disagree
- **Disagree**
- Strongly disagree
- Unsure
- I prefer not to answer

This post may be cited as: Shaun Fluker, “UCP Grievance Politics Takes Aim at the Law Society of Alberta” (1 Nov 2024), online: ABlawg, http://ablawg.ca/wp-content/uploads/2024/11/Blog_SF_UCP_Grievance.pdf

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