

No. 19

4th Session, 13th Legislature, Alberta
6 Elizabeth II, 1958

BILL 19

A Bill to amend The Legal Profession Act

HON. MR. MANNING

Printed by L. S. WALL, Printer to the Queen's Most Excellent Majesty
Edmonton, Alberta, 1958

Explanatory Notes

2. Clause (b) of section 30 authorizes the Law Society to set up a special fund for the relief of aged, infirm or disabled members and the dependants of deceased members. Clause (g), here being amended, authorizes the Law Society to make rules and regulations respecting the application of the revenue from the special fund to such relief. The amendment will broaden the Society's powers so that the corpus of the fund may be so used, not simply the revenues thereof.

3. Section 31 authorizes the creation of an assurance fund to reimburse persons sustaining loss by reason of misappropriation or conversion of money or other property by a member of the Law Society where the property was entrusted to the member in his professional capacity. This subsection will authorize the Law Society to insure the assurance fund against claims upon it so that the fund will not be so vulnerable to large claims.

4. At the present time the Law Society, while it may investigate the conduct of a member in his relationship with a client, has no power to seize the papers of the member under investigation. This new section will give such power.

BILL

No. 19 of 1958

An Act to amend The Legal Profession Act

(Assented to _____, 1958)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Legal Profession Act*, being chapter 173 of The Revised Statutes of Alberta, 1955, is hereby amended.

2. Section 30, clause (g) is amended by striking out the words "the revenue from".

3. Section 31 is amended by adding immediately after subsection (3) the following subsection:

"(3a) The benchers may, in such manner and upon such terms and conditions as they deem advisable, enter into contracts with insurers or other persons whereby the fund created pursuant to subsection (1) may be protected in whole or in part against any claim on or loss to the fund, and the costs incurred by the benchers under any such contracts may be defrayed from the fund or the proceeds of the fund."

4. The following new section is added immediately after section 40:

"**40a.** (1) On the application of the Society supported by a resolution of the benchers, a judge of the Supreme Court may, by *ex parte* order, authorize the sheriff of a judicial district

"(a) to enter from time to time upon any premises wherein any ledgers, books of account, records of transactions, files, or other papers of a member that relate to transactions between the member and any of his clients are or may be kept, and

"(b) to seize and have the ledgers, books, records, files and other papers removed and placed in the custody of the secretary of the Society,

and the ledgers, books, records, files and other papers while in the custody of the secretary pursuant to an order under

5. The present Barristers and Solicitors Oath is a combination of the oath of allegiance and official oath combined with the words here to be re-enacted. However, The Oaths of Office Act prescribes the form of the oath of allegiance and official oath, which do not correspond with the form presently prescribed, without reference to that Act, by this section. The two Acts are here being made to conform.

this section may be examined by such persons as may be designated by the benchers for report thereon to the chairman of the discipline committee.

“(2) An order under this section may be varied or set aside on two days’ notice.”.

5. Section 63 is amended by striking out subsection (1) and by substituting the following:

“**63.** (1) A person before being enrolled as a barrister or solicitor shall take and subscribe before a judge or judges of the Supreme Court of Alberta, in open court,

“(a) an oath of allegiance in the form prescribed by *The Oaths of Office Act*, and

“(b) the official oath prescribed by *The Oaths of Office Act*, to which may be added the following:

“That 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 any man’s property; I will not be guilty of champerty or maintenance; I will not promote suits upon frivolous pretences; I will not pervert the law to favour or prejudice any man; but in all things conduct myself truly and with integrity; in fine, the Sovereign’s interest and that of my fellow citizens I will uphold and maintain according to the law in force in this Province.”.

6. This Act comes into force on the day upon which it is assented to.

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

BILL

An Act to amend The Legal
Profession Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
