BILL

No. 55 of 1924.

An Act to amend The Legal Profession Act.

(*Assented to* , 1924).

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

1. This Act may be cited as "*The Legal Profession Act Amendment Act*, 1924."

2. Sections 32 and 33 of *The Legal Profession Act*, being chapter 206 of the Revised Statutes of Alberta, 1922, are hereby struck out, and the following substituted therefor:

"**32.**—(1) Any three benchers meeting together as such shall constitute an investigating committee of the society and may investigate under oath any written charge or complaint that a member of the society has been guilty of conduct unbecoming a barrister or solicitor, or has made default in the payment of moneys received by him as a barrister or solicitor, or has been guilty of such misconduct as in England would have been sufficient to bring a solicitor under the punitive powers of the Supreme Court of Judicature, or has been guilty of any breach of the provisions of this Act or of any rules and regulations of the society made or passed under the authority of this Act.

"(2) At least ten days' notice in writing shall be given by the secretary of the society to such member of the intention of an investigating committee of three benchers as aforesaid to investigate the said charge or complaint and such notice shall specify the charge or complaint to be investigated and the time and place at which such investigation will be held and shall be served upon such member by being enclosed in a sealed prepaid and registered envelope addressed and mailed to such member at his last post office address on the books of the society.

"(3) Evidence may be adduced before such investigating committee in support of the said charge or complaint and by the member complained against either by affidavit or *viva voce* or both as the said committee may determine.

"(4) Every bencher is hereby authorized and empowered to administer an oath for the purposes of such investigation.

"(5) The attendance of witnesses before an investigating committee and the production of books, papers or other documents may be enforced by a notice requiring the witness

to attend, issued under the hand of the secretary and the seal of the society and stating the time and place at which the witness is required to attend and the documents, if any, he is required to produce. The secretary shall, without charge, issue and deliver to the member complained against such number of notices for the attendance of witnesses or production of documents as such member may by writing request.

"(6) Any witness served with a notice for attendance or for the production of documents shall be entitled to demand and be paid the usual fees payable to witnesses in an action in the Trial Division of the Supreme Court.

"(7) Any person failing to attend before an investigating committee in obedience to such notice or to produce any books, papers or other documents or in any way to comply with such notice, or refusing to be sworn or to answer any questions properly allowed by an investigating committee, shall be liable to attachment upon application to a judge of the Supreme Court and may be punished as for contempt of court.

"(8) An investigating committee shall be bound by the same rules of evidence as obtain in civil actions in the Trial Division of the Supreme Court.

"(9) In the event of the non-attendance of the member complained against, the investigating committee may, upon proof of the registration and mailing to such member of the notice of such investigation as hereinbefore provided, proceed with the investigation in the absence of such member.

"(10) The investigating committee after hearing all the evidence adduced in support of such charge or complaint and by or on behalf of the member complained against shall report in writing to the benchers whether or not in their opinion such charge or complaint has been proven and shall after such investigation forward such report with a copy of the evidence and a record of the proceedings before the said committee to the secretary of the society. The benchers shall at their then next sittings consider such report with the evidence and the record of the proceedings before the investigating committee and may thereupon order that the charge of complaint be dismissed or referred back to the investigating committee or adjourned for further consideration or that the name of the member complained against be struck off the rolls of the society, or may suspend such member from practising for such period as may be considered proper, or may reprimand such member and in addition to any other order may order that such member shall pay a sum not less than fifty dollars nor more than four hundred dollars to the funds of the society within a time to be fixed by the benchers and may further order that in default of payment of any sum so fixed within the time fixed for payment thereof such member shall be suspended from practising until such sum shall have been paid. Provided that the benchers, instead of dealing with the report of the in-

vestigating committee as aforesaid, may refer the said report, the evidence and the record of proceedings before the investigating committee to the Appellate Division of the Supreme Court to be dealt with by the said Court at the then next sittings thereof. In the event of such reference being made to the Appellate Division of the Supreme Court notice of such reference shall forthwith be given to the member complained against by the secretary of the society by enclosing the same in a sealed prepaid and registered envelope addressed and mailed to such member at his last post office address on the books of the society. The Appellate Division shall deal with such reference as if it had been made by a judge of the Supreme Court under the provisions of section 52 of this Act.

"(11) When the benchers have ordered that the name of any member shall be struck off the rolls of the society the name of such member shall not again be entered upon the rolls of the society except by an order of the Appellate Division of the Supreme Court.

"(12) An investigating committee, as well as the benchers, may for the purpose of the execution of their respective duties under this Act, employ at the expense of the society legal or other assistance and the member complained against shall have the right to appear in person or by counsel or agent before such committee and before the benchers.

"(13) Any member whose name has been ordered to be struck from the rolls or who has been suspended or who may be subject to suspension by order of the benchers under the powers conferred upon the benchers by this section, may appeal from the order of the benchers to the Appellate Division of the Supreme Court at any time within thirty days after the date of the order complained of and the said Court may upon hearing the said appeal make such order, either confirming the order appealed from or modifying or reversing the same or directing that further proceedings be taken by the investigating committee or may make such other order including such order as to costs as to the said Court may seem meet.

"(14) Notice of appeal by a member complained against shall be served upon the secretary of the society within the time limited for appeal as provided by the next preceding subsection of this section. The appeal shall be founded upon a copy of the evidence and the record of the proceedings before the investigating committee, the report of such committee and the order of the benchers, certified by the secretary of the society, who shall furnish a copy of the same to the member complained against or his solicitor or agent on request, on being paid the costs of the preparation thereof.

"**33.** The benchers may suspend from practice or strike off the rolls any member of the society who has been convicted of a criminal offence punishable by imprisonment for a term of five years or more upon proof of such conviction."

3. This Act shall come into force on

No. 55.

FOURTH SESSION

FIFTH LEGISLATURE

14 GEORGE V

1924

BILL

An Act to amend The Legal Profession Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. BROWNLEE.

EDMONTON:
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A.D. 1924

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