

**NOTICE TO:**

January 26, 2004

All Active Members and Students-at-Law,  
All Non-Practising Paying Members,  
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 RESIGNATION**

On January 22, 2004, the Benchers of the Law Society of Alberta granted the application of **Mr. James S. Lancaster** to resign in the face of discipline, pursuant to Section 61 of the *Legal Profession Act*, R.S.A. 2000, c. L-8, effective immediately. He was thus disbarred. Mr. Lancaster resided and practised in Calgary until September 30th when he became an inactive member. His membership was suspended for non-payment of audit costs on November 15, 2003.

Mr. Lancaster admitted that his conduct was deserving on sanction on citations involving failing to be candid with another lawyer about the status of funds he held in trust, failing to respond to another lawyer's communications in a punctual and reasonably timely manner, failing to respond to the Law Society in a punctual and reasonably timely manner, misappropriating or wrongfully converting trust funds (all of which were eventually repaid), unnecessarily delaying responses to an auditor's request for explanations, failing to be candid with an auditor and failing to follow the accounting rules. He also admitted that his conduct was deserving of sanction on a citation involving a breach of trust, involving funds he was holding on trust conditions imposed by another lawyer. As a result of his breach of trust, the other lawyer's clients have filed an Assurance Fund claim for \$28,825 of which only \$9,325 remains in trust. Mr. Lancaster disputed this claim on the basis that his client was entitled to the money which he paid to his client.

In addition to granting the application to resign, the Benchers directed that all outstanding costs and the amount of any successful assurance claims must have been paid in full before applying for reinstatement.

The Benchers further directed, in accordance with Rule 92(10), that the Executive Director send a copy of the materials submitted to them to the Minister of Justice and Attorney General.

When Mr. Lancaster became an inactive member, the conduct of his files was assumed by:

Mr. James S. Charnock,  
Barrister and Solicitor  
208 Deer River Place S. E.  
Calgary, AB T2J 6Y8  
Telephone (403) 537-1200

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Donald F. Thompson  
Executive Director  
The Law Society of Alberta

