

**The Law Society of Alberta  
Hearing Committee Report**

**In the matter of the *Legal Profession Act*,  
and in the matter of a hearing regarding the conduct of **Richard Renz**,  
a member of the Law Society of Alberta**

**Jurisdiction and Preliminary Matters**

- I. A Hearing Committee of the Law Society of Alberta (LSA) held a hearing into the conduct of Richard Renz on January 15, 2007. The Committee was comprised of Vaughn Myers, Q.C., Chair, Douglas Mah, Q.C., committee member and Morris Taylor, committee member. The LSA was represented by Lois MacLean. The member was represented by himself.
- II. Exhibits One through Four, consisting of the Letter of Appointment of the Hearing Committee, the Notice to Solicitor, a Notice to Attend, and the Certificate of Status of the Member, established jurisdiction of the committee.
- III. As the member was not represented by counsel, the Chair advised the member that he was entitled to representation and that there is a pro bono list of lawyers prepared to act for members at Law Society hearings. The member advised he was aware of that and wished to proceed without counsel.
- IV. There was no objection by the member or counsel of the LSA regarding the membership of the committee.
- V. The Certificate of Exercise of Discretion was entered as Exhibit five. Counsel for the LSA advised that the LSA did not receive a request for a private hearing and therefore the hearing was held in public.

**Citations**

- VI. The member faced the following citations:

**Citation 1: IT IS ALLEGED that you failed to serve the Complainant in a conscientious, diligent and efficient manner, and that such conduct is conduct deserving of sanction.**

**Citation 2: IT IS ALLEGED that you failed to respond on a timely basis to**

**communications from the Complainant, and that such conduct is conduct deserving of sanction.**

**Citation 3: IT IS ALLEGED that you failed to keep the Complainant informed as to the progress of the Complainant's matter, and that such conduct is conduct deserving of sanction.**

**Citation 4: IT IS ALLEGED that you failed to be punctual in fulfilling commitments made to another lawyer, and that such conduct is conduct deserving of sanction.**

**Citation 5: IT IS ALLEGED that you failed to respond on a timely basis to communications from another lawyer that contemplated a reply, and that such conduct is conduct deserving of sanction.**

**Citation 6: IT IS ALLEGED that you failed to be cooperative with successor counsel in transferring the Complainant's file on a timely basis, and that such conduct is conduct deserving of sanction.**

These citations were signed December 5, 2006. However, a proposed consolidation of Citations was placed before the committee and upon hearing the Citation consolidation application, the hearing committee accepted the following:

Citation 1: IT IS ALLEGED that you failed to serve the complainant in a conscientious, diligent and efficient manner, and failed to respond to her on a timely basis, and that such conduct is conduct deserving of sanction.

Citation 2: IT IS ALLEGED that you failed to respond on a timely basis to communications from another lawyer and that you failed to be cooperative with successor counsel in transferring the file, and that such conduct is conduct deserving of sanction.

### **Evidence**

VI. The evidence in this hearing included 13 exhibits as set out in Appendix A, along with an Agreed Upon Statement of Facts. The only witness called by the Law Society was the member. The Agreed Upon Statement of Facts were marked as Exhibit 13 and are as follows:

1. Mr. Renz is a member of the Law Society of Alberta, having been admitted in 1992. Mr. Renz was a member at all times relevant to this proceeding.

2. Mr. Renz faces six citations as follows:
  - a. It is alleged that you failed to serve the Complainant in a conscientious, diligent and efficient manner, and that such conduct is conduct deserving of sanction.
  - b. It is alleged that you failed to respond on a timely basis to communications from the Complainant, and that such conduct is conduct deserving of sanction.
  - c. It is alleged that you failed to keep the Complainant informed as to the progress of the Complainant's matter, and that such conduct is conduct deserving of sanction.
  - d. It is alleged that you failed to be punctual in fulfilling commitments made to another lawyer, and that such conduct is conduct deserving of sanction.
  - e. It is alleged that you failed to respond on a timely basis to communications from another lawyer that contemplated a reply, and that such conduct is conduct deserving of sanction.
  - f. It is alleged that you failed to be cooperative with successor counsel in transferring the Complainant's file on a timely basis, and that such conduct is conduct deserving of sanction.
3. The complaint arises from a file on which Mr. Renz was retained by the Complainant, who wished to pursue a personal injury claim.
4. The Complainant was injured in 1998, while attending an event at Edmonton Northlands. (*Exhibit 8*)
5. The exact date is not clear from the materials, however at some point in 1998, the Complainant retained Mr. Renz, and provided medical information to him.
6. Steps were taken in the litigation, however at some point, the file became problematic, and communication between Mr. Renz and the Complainant broke down.
7. The Complainant asserted in her letter of complaint that her last direct contact with Mr. Renz was in 2003. Her letter of complaint stated, in part:

It has been the year 2003 since I have had any contact with Mr. Renz. It was at this meeting that he mentioned "*we are dealing with very, very good counsel from the other side*" he also wanted me to seek other medical professionals to provide further medical reviews.

Since this last meeting, I have fulfilled all that had and has been asked of me, and all files have been faxed to him from the medical experts. I have not heard

from Mr. Renz, and I have not been able to see him in person up to date of this correspondence.

*(Exhibit 6, page 3)*

8. On March 17, 2005, the Complainant contacted Douglas MacPherson of Frieser Robinson MacKay, to ask him to take conduct of the file. She signed an authorization form to direct Mr. Renz to forward his file to Mr. MacPherson. *(Exhibit 8, Tab 1, Tab A)*
9. On March 18<sup>th</sup>, Mr. MacPherson faxed a letter and the authorization to Mr. Renz asking that he send the file to Mr. MacPherson. *(Exhibit 8, Tab 1)*
10. On May 9<sup>th</sup> Mr. MacPherson faxed a second letter to Mr. Renz asking for a response to his letter of March 18<sup>th</sup>. *(Exhibit 8, Tab 2)*
11. On Dec. 22<sup>nd</sup> Mr. MacPherson faxed a third letter to Mr. Renz asking for a response to his previous two letters. *(Exhibit 8, Tab 3)*
12. On Feb. 6<sup>th</sup>, 2006, the Complainant faxed a complaint form to the Law Society. She complained about the difficulty in contacting Mr. Renz, and his failure to respond to Mr. MacPherson. She stated that her situation had worsened over time. *(Exhibit 6)*
13. On Feb. 7<sup>th</sup>, the Law Society wrote to the Complainant, to confirm receipt of her complaint. *(Exhibit 7)*
14. On Feb. 15, 2006, following a call from Lewis Wasel of the Law Society, Mr. MacPherson faxed a letter to the Law Society confirming his involvement with the Complainant, and attaching copies of his faxes to Mr. Renz. *(Exhibit 8)*
15. Also on Feb. 15<sup>th</sup>, Mr. Renz forwarded the file to Mr. MacPherson. *(Exhibit 9, Tab 1)*
16. On March 3<sup>rd</sup>, following a call from Mr. Wasel, Mr. Renz faxed to the Law Society a copy of his fax cover letter forwarding the file to Mr. MacPherson. *(Exhibit 9)*
17. On Mar. 8<sup>th</sup> the Law Society wrote to Mr. Renz demanding a formal response to Ms. MT's complaint pursuant to s. 53 of the *Legal Profession Act*. *(Exhibit 10)*.
18. On March 13<sup>th</sup> Mr. Renz replied to the demand. He apologized to the Complainant. His letter went on to state:

The only explanation which I can provide is that through much of 2004 and

2005 I was struggling with some personal issues which at times impacted upon my productivity at work, and for a number of months I was only able to sleep at best a couple of hours each night. During this time it was difficult for me to work on files which caused me a lot of stress.

In hindsight, I am deeply embarrassed by how I allowed things to unfold in this matter. After defence counsel had raised the defence that I had sued the wrong party, I self-reported myself to ALIA, but ever since doing this I have almost been paralyzed in fear every time I looked at this file. I agree that this is quite irrational but every time I tried to bring myself to work on this file, I was quickly overwhelmed by this matter and the difficulties of trying to sort out Mrs. \_\_\_\_\_'s accident injuries and pre-existing conditions. This became a vicious cycle and the longer I allowed this matter to drag out, the more embarrassed and overwhelmed I became, and the harder it became in turn to deal with, and things spiraled ever further.

Looking back, I really cannot understand myself why I did not immediately forward the Complainant's file to Mr. MacPherson. I guess I was hoping to somehow be able to get things back on track and obtain a reasonable result for Mrs. \_\_\_\_\_. Again I allowed my irrational fears regarding this claim, and my embarrassment over having someone else become aware of my inability to deal with this matter to cloud my thinking, and I would also like to apologize to Mr. MacPherson for my lack of professionalism in dealing with him.

I deeply regret the undue stress which I have caused Mrs. \_\_\_\_\_, and I again apologize for this, and sincerely hope that Mr. MacPherson will be able to be successful in obtaining a favorable result for her. I am ashamed by my inability to act in this matter, and in order to prevent this situation from happening again, I have taken steps to focus my legal practice away from litigation, and have avoided taking on any new litigation matters, but rather have been focusing on developing the real estate and corporate commercial work within my practice.

19. On April 25<sup>th</sup>, Mr. MacPherson wrote Mr. Renz and the Complainant to say that he was not prepared to represent the Complainant, and returned the file to Mr. Renz. (*Exhibit 12, Tabs 1 and 2*)
20. On the same date he faxed confirmation of that information to the Law Society, however the letter is dated February 15, 2006. (*Exhibit 12*)

During the examination of the member, Richard Renz, counsel for the LSA advised that certain medical information respecting the member, and a certain form of counseling would be introduced and invited the member to make an application to have that evidence given in private. While the member did not actively make an application to have it heard in private, in light of the very personal and sensitive nature of the counseling, the hearing committee agreed to hear that limited evidence of counseling in camera.

## **Findings of Fact**

### **VII. Summary of the Evidence**

To summarize the evidence that was heard, the member was retained by MT at some point in 1998, to represent MT in a personal injury action which occurred while attending an event at Edmonton Northlands. Steps were taken in the litigation, however at some point, the file became problematic and communications between Mr. Renz and MT broke down. It was in 2003, or some five years later, that MT expressed her concerns to the member in correspondence, indicating that MT had not been able to see the member in person. It was on March 17<sup>th</sup>, 2005 that MT contacted another member and asked them to take conduct of the file. That member faxed a letter of authorization to Mr. Renz asking that Mr. Renz send the file to him. On May 9, 2005, a second letter was faxed. On December 22, 2005, a third letter was faxed to the member asking him to respond to the previous letters. It was on February 6, 2006 that MT filed a complaint form to the Law Society. On February 15<sup>th</sup>, 2006, the member forwarded the file to the new lawyer as a result of the involvement of the LSA. It was on March 8, 2006, that the Law Society wrote the member demanding a formal response to MT's complaint and received a response of March 13, 2006 outlining his response. In summary, that response indicated that he had had personal issues that he was dealing with that impacted on his productivity at work and unfortunately was only able to sleep a couple of hours each night. While he expressed extreme embarrassment on how this file was managed, he indicates that after defence counsel raised the defence that he had sued the wrong party, he reported himself to ALIA and that he was "paralyzed" every time he looked at the file. While he indicates that this was quite irrational, it became a vicious cycle and he continued to be paralyzed by it. He reiterated these comments during the hearing, again indicating he was simply paralyzed in his dealings with this file.

## **Decision as to Citations**

**VIII. Citation #1 -** The committee was satisfied that he had failed to serve the complainant in a conscientious, diligent and efficient manner, and failed to respond to her on a timely basis, and that such conduct was conduct deserving of sanction.

Citation #2 - The committee further found that the member had failed to respond on a timely basis to communications from another lawyer, and that he had failed to be cooperative with successor counsel in transferring the file, and that such conduct was conduct deserving of sanction.

With respect to the first citation, the hearing committee accepted the member's evidence that he had become paralyzed when dealing with this file and while it was an irrational response, it was an honest description of his conduct. Over a period of five years with respect to this file, he had slowly but surely lost his ability to assist this client yet failed

to take the obvious course and move the file to counsel who was prepared to represent this client's interests. This client, MT, suffered this member's misconduct for an appreciable period of time and the hearing committee had no difficulty in concluding that Citation #1 had been made out.

With respect to citation #2, it as well was made out and the hearing committee found that the root cause was the same as the cause of the conduct complained of in citation #1. This conduct was equally if not more outrageous in that not only did his conduct place the entire profession in a bad light, it actually prevented the new lawyer from attempting to assist this client for a period of approximately eleven months. By the time the new lawyer reviewed the file, he was not prepared to act for the client and forwarded the file back to the member. No evidence was adduced as to what happened for the final resolution of the claim.

### **Sanction and Orders**

- IX. Citation #1 - The complainant in this case was understandably frustrated by the member's conduct. While the exact date of the breakdown of the relationship between the member and the complainant was not made clear, it suffered a long and painful death over a period of approximately five years. The member's handling of this matter was abysmal and goes to the heart of the public perception of the legal profession. With respect to the sanction on this citation, the hearing committee found that the mitigating circumstances were as follows:
1. He had no discipline record.
  2. He was genuinely remorseful.
  3. That when he was contacted by the Law Society, he was immediately cooperative and forwarded the file to the new counsel.

The aggravating circumstances however were that this conduct extended over a period of almost five years and it certainly diminishes the profession in the eyes of the public as well as diminishes the profession in the eyes of MT. She was an individual who had sought the assistance of the member and was basically left adrift. In light of all of the circumstances, the hearing committee imposed a \$500.00 fine with respect to citation #1.

Citation #2 - Again, with respect to citation #2, the mitigating circumstances are the same, 1. He has no discipline record; 2. He was genuinely remorseful; and 3. He forwarded the file once the Law Society got involved. The aggravating circumstance on this file is that the member was actually preventing another member of the Law Society from assisting this client. Therefore, not only had she suffered five years of unprofessional conduct, the member's conduct continued to confound this woman's pursuit of a just settlement for almost an additional year. The hearing committee imposed a further financial sanction of \$500.00. The costs would be paid, along with the fines, within three months of the date of the delivery of the actual costs upon the member,

failing which the member would stand suspended.

**Concluding Matters**

- X. As the hearing was held in public, the exhibits would be made available for public inspection, which includes copies of exhibits for a reasonable copy fee, save and except for the following:
1. Wherever the complainant's name was used, it is to be redacted to read "MT";
  2. That part of the hearing that was held in camera respecting the member's counseling is to remain in camera and shall not be made for public inspection.

The committee did not find it necessary to direct that a Notice to the Profession be circulated in this matter.

The committee did not find reasonable grounds to believe that the member had committed a criminal offence and therefore no referral to the Attorney General was made pursuant to Section 75(4) of the Legal Profession Act.

Dated this \_\_\_\_\_ day of May, 2007.

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Vaughn Myers, Q.C., Chair and Bencher

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Douglas Mah, Q.C., Bencher

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Morris Taylor, Member