

**LAW SOCIETY OF ALBERTA**  
**IN THE MATTER OF THE *LEGAL PROFESSION ACT***  
**AND**  
**IN THE MATTER OF A HEARING REGARDING**  
**THE CONDUCT OF GREGORY WOROBEC**  
**A MEMBER OF THE LAW SOCIETY OF ALBERTA**

**Single Bencher Hearing Committee**

Darlene W. Scott, Q.C. – Bencher

**Appearances**

Karl Seidenz – Counsel for the Law Society of Alberta (LSA)

William Tatarchuk, Q.C. – Counsel for Gregory Worobec

**Hearing Date**

September 18, 2017

**Hearing Location**

LSA office, 800, 10104-103 Avenue, Edmonton, Alberta

**HEARING COMMITTEE REPORT**

**Jurisdiction, Preliminary Matters and Exhibits**

1. On September 18, 2017, a Single Bencher Hearing Committee (Committee) convened at the office of the LSA to conduct a hearing on the appropriate sanction related to Mr. Worobec's conduct. Mr. Worobec had admitted guilt on these two citations, as set out in the Agreed Statement of Facts and Admission of Guilt, dated May 24, 2017 (Agreed Statement).
2. Mr. Worobec and counsel for the LSA were asked whether there were any objections to the constitution of the Committee. There were no objections to the identity of the Bencher hearing the submissions, on the grounds of bias or otherwise, and the hearing proceeded.
3. The hearing was held in public.
4. The jurisdiction of the Committee was established by Exhibits 1 through 4, consisting of the letter of appointment of the Committee, the Notice to Solicitor pursuant to section 60 of the *Legal*

*Profession Act (Act)*, the Notice to Attend to the Member and the Certificate of Status of the Member with the LSA.

### **Statement of Facts and Admission of Guilt**

5. The Agreed Statement is attached as Schedule A. This Agreed Statement has been found to be in an acceptable form by a Conduct Committee Panel on June 14, 2017, and therefore this hearing was convened by a single bencher pursuant to subsection 60(3) of the Act.
6. Pursuant to subsection 60(4) of the Act, after a statement of admission of guilt is accepted by the Conduct Committee, it is deemed to be a finding of the Hearing Committee that the lawyer's conduct is conduct deserving of sanction. After hearing submissions by counsel for the LSA and Mr. Worobec and confirming Mr. Worobec's understanding that the Bencher was not bound by the Joint Submission on Sanction, the Bencher confirmed the Agreed Statement constituted a finding of conduct deserving of sanction on the two citations, pursuant to section 49 of the Act.
7. As a result, the only question for determination by this Committee is one of appropriate sanction.

### **Discussion on Sanction**

8. The LSA and Mr. Worobec jointly sought a reprimand, a \$500.00 fine (being \$250.00 for each citation) and hearing costs to a maximum of \$1,000.00.
9. Mr. Seidenz, on behalf of the LSA, referenced the sanction assessed in previous LSA hearings in *LSA v. Kraft*, 2010 ABLs 26, and in *LSA v. Welz*, 2016 ABLs 47. LSA counsel pointed out that the Agreement Statement and the Joint Submission on Sanction were factors to be considered, in that agreed statements and joint submissions avoid the costs and inconvenience associated with a contested hearing.
10. Mr. Tatarchuk, on behalf of Mr. Worobec, was supportive of the LSA submissions on sanction.
11. The Committee agrees that the approach taken by both Mr. Worobec and the LSA in dealing with this matter through a Single Bencher Hearing avoided an unnecessary contested hearing, witness inconvenience, and process costs, which is ultimately in the best interests of the public and the profession. The Joint Submission was also consistent with the sanction in previous LSA hearings.

### **Concluding Matters**

12. The Committee ordered a reprimand, a fine of \$500.00 (being \$250.00 per citation) and costs of \$1,000.00. The Committee administered the reprimand, a copy of which is attached to this Report as Schedule B.
13. The exhibits and other hearing materials, transcripts, and this report will be available for public inspection, including providing copies of exhibits for a reasonable copy fee, although redactions will be made to preserve personal information, client confidentiality and solicitor-client privilege (Rule 98(3)).
14. There shall be no Notice to the Profession issued.

15. There will be no Notice to the Attorney General.

Dated at Edmonton, Alberta, December 15, 2017

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**Darlene W. Scott, Q.C.**

IN THE MATTER OF THE *LEGAL PROFESSION ACT*

- AND -

IN THE MATTER OF A HEARING REGARDING THE  
CONDUCT OF GREGORY J. WOROBEK  
A MEMBER OF THE LAW SOCIETY OF ALBERTA

**STATEMENT OF FACTS AND ADMISSION OF GUILT**

**A. INTRODUCTION**

1. I have practiced law for over 22 years, first as a member of the Law Society of British Columbia (the "LSBC") with an admission date of May 19, 1995, and then as a member of the Law Society of Alberta (the "LSA"), with an admission date of January 30, 2003.
2. Since November 2003, I have operated my own firm, Worobec Law Offices, in Sherwood Park, Alberta, where I practice criminal law. My current status with the LSA is "Active/Practising".

**B. COMPLAINT**

3. In an Internal Memo dated May 14, 2014, the Manager of the Trust Safety department of the LSA listed a number of exceptions arising out of an audit of my practice conducted in late 2010 as well as a follow-up audit conducted in late 2013. She also noted my failure to file Accountant's Reports in a timely manner and set out the details of her department's attempts to follow up with me. The Internal Memo was sent to the Manager of the Complaints department of the LSA for further investigation and follow up.

Tab 1-Internal Memo (May 14, 2014) (without attachments)

**C. CITATIONS**

4. On September 30, 2015, a panel of the Conduct Committee of the LSA ("CCP") directed that the following conduct be dealt with by a Hearing Committee:

- a. That I failed to comply with the Rules of the Law Society in not providing my firm's 2010, 2011, 2012, and 2013 Accountant's Reports in a timely manner;
  - b. That I failed to respond to the Trust Safety Department of the Law Society in a timely manner;
  - c. That I was discourteous in a voice message of February 4, 2014; and
  - d. That I, between 2005 and 2013, failed to report, as required by the Rules of the Law Society (the "*Rules*"), the issuance of five Writs of Enforcement against me.
5. The CCP also directed that I be referred the Practice Review Committee pursuant to section 58 of the *Legal Profession Act* (the "*Act*") to carry out a general review and assessment of my conduct and practice.

Tab 2 - CCP Minutes (Sep 30, 2015)

**D. PRACTICE REVIEW**

6. Pursuant to the direction of the CCP, I participated in the practice review process in late 2015.
7. On November 25, 2015, the Practice Review Committee directed that my practice review file be closed and that a report be returned to the Conduct Department pursuant to section 58(5) of the *Act*, part of which stated:

**RECOMMENDATIONS**

That the Practice Review file is closed and this report issued to the Conduct Committee noting:

1. It does not appear that:
  - a. there are circumstances that indicate a problem or deficiency with his current file conduct and client management systems and procedures.
  - b. there are indications of a pattern of conduct or systemic problem within his practice.
2. It appears that he has already taken remedial steps to reduce the risk of continuation or recurrence of the conduct of concern.

Tab 3 – Section 58(5) Report to Conduct  
(Nov 25, 2015)

8. On December 16, 2015, a CCP confirmed the decision to close my practice review file.

Tab 4 – CCP Minutes (Dec 16, 2015)

**E. AMENDMENT AND WITHDRAWAL OF CITATIONS**

9. During a Pre-Hearing Conference on May 17, 2017, the Vice-Chair of Conduct approved a joint submission pursuant to Rules 90.1(8)(e) and (f) of the *Rules*, resulting in the following direction:

- a. Citations (a) and (b) were amended and consolidated into a single citation, as follows:

That I failed to respond to the Trust Safety department of the Law Society in a timely manner and that I failed to comply with the Rules of the Law Society by not providing my firm's Accountant's Reports for the years 2010, 2011, 2012 and 2013 in a timely manner

- b. Citation (c) was discontinued in consideration of my apology letter to the Law Society;

Tab 5 – Apology Letter (April 29, 2017)

- c. Citation (d) was amended as follows:

That between 2005 and 2013, I failed to report the issuance of five Writs of Enforcement against me, contrary to the *Rules of the Law Society*.

Tab 6 – PHC Report (May 17, 2017)

**F. FACTS AND ADMISSIONS**

**Citation 1. Failure to Respond**

- a.** Facts

10. In December 2010, the Trust Safety department conducted an audit of my practice

which turned up several accounting issues and exceptions to the *Rules of the LSA* (the "*Rules*"). A follow-up audit was conducted in September 2013, which revealed similar problems.

11. At the time of the follow-up audit, I had not submitted my firm's Accountant's Reports for the years 2010, 2011 and 2012, contrary to paragraph 119.30(4) of the *Rules*. Further, at the time of the referral by the Trust Safety department to the Conduct department in May 2014, I had not submitted my firm's Accountant's Report for the year 2013. I eventually submitted the filings for 2010, 2011, and 2012 in June 2014, and the filing for 2013 in September 2014.

b. Admission

12. I admit that I failed to respond to the Trust Safety department in a timely manner and that I failed to comply with the *Rules* by not providing my firm's Accountant's Report for the years 2010, 2011, 2012 and 2013, and that such conduct is deserving of sanction.

Citation 2. Unreported Writs of Enforcement

a. Facts

13. During the course of the investigation into my conduct, the LSA became aware of the following five Writs of Enforcement having been registered against me, none of which had been reported to the LSA in breach of paragraph 119.34(1)(e) of the *Rules*.

Date of Writ	Judgement	Amount
Dec 13, 2005	CRA	\$103,941.0
Dec 13, 2005	CRA	\$8,407.00
Dec 19, 2007	CRA	\$116,867.0
Jan 19, 2010	CRA	\$70,167.00
Jan 9, 2013	Former Partner	\$97,488.22

b. Admission

14. I admit that between 2005 and 2013, I failed to report the issuance of five Writs of Enforcement against me, contrary to the *Rules*, and that such conduct is deserving of sanction. I was not aware of the Writ dated December 13, 2005 in the amount of \$ 8,407.00 or the Writ dated January 2010 in the amount of \$70,167.00.

A. DISCIPLINE HISTORY

1. I do not have a discipline history as a member of the LSA.
2. As a member of the LSBC, I admitted in 2003 that I was guilty of professional misconduct for failing to remit GST funds and for failing to notify the LSBC that I had been the subject of a garnishment order to the credit of CRA that had not been satisfied within seven (7) days, contrary to the Rules of the LSBC. By way of penalty, I consented to a reprimand and to a fine of \$1,500.00. The LSA was aware of the ongoing investigation into my conduct by the LSBC before I was admitted to the Alberta bar.

A. ADMISSION OF FACTS

1. I admit as facts the statements contained in this Statement of Facts and acknowledge that they shall be used for the purpose of these proceedings.

A. INDEPENDENT LEGAL ADVICE

1. I agree that I have had the opportunity to consult legal counsel and that I have signed this Statement of Facts and Admission of Guilt voluntarily and without any compulsion or duress.

THIS STATEMENT OF FACTS AND ADMISSION OF GUILT IS MADE 24<sup>th</sup> DAY OF MAY, 2017.

“GREGORY JOSEPH WOROBEC”

GREGORY JOSEPH WOROBEC

**Reprimand**

Mr. Worobec, you have admitted that your conduct in this matter is deserving of sanction on the two noted citations –

1. Failure to respond to the Law Society Trust Safety department in a timely manner and failing to comply with the Rules of the Law Society by not providing accountants reports for the years 2010 - 2013 in a timely manner,
2. Failure to report the issuance of certain Writs of Enforcement against you.

The conduct committee panel has accepted the Agreed Statement of Facts and your Admission of Guilt in respect of these citations. Accordingly, pursuant to section 60 of the *Legal Profession Act*, this is deemed to be a finding of this Hearing Committee that your conduct is conduct deserving of sanction on each of those two citations.

Mr. Worobec, I understand that you are a criminal lawyer and that you are the responsible lawyer in matters of trust compliance. These citations relate to matters which are ultimately matters of governability – failing to report to and respond to your regulator in a timely manner and failing to comply with Trust Rules indicates an unwillingness or reluctance to comply with the rules of the Law Society which is a very serious matter.

We belong to a profession which enjoys the privilege and the responsibility of self-regulation, and as a result, we have to ensure that members of the profession are candid and provide full and comprehensive replies to their regulator on each and every occasion that such is requested of them. Our responsibilities with respect to trust monies are matters where strict compliance with the Rules is necessary in order to preserve and protect the trust that the public has in the legal profession and in the ability of the profession to self- regulate. I appreciate these are not instances of trust defalcation, but in order to ensure the integrity and safety of monies entrusted to us, full and complete compliance with trust rules is necessary.

You have admitted guilt to two separate citations in respect of failing to report or respond to your regulator.

I understand that you have no prior discipline record with the Law Society of Alberta, but you have admitted to similar accounting deficiencies and failure to notify the Law Society of BC of the existence of certain garnishment orders. I further understand that after some initial unsatisfactory communication, you have subsequently cooperated fully with the Law Society of Alberta in concluding these matters. I have noted the comments of the Practice Review report which indicates both that it did not appear there were problems or deficiencies with your file conduct or client management systems and that you have taken steps to reduce the risk of any recurrence of the problems which led to these citations.

Your joint recommendation is that these citations result in a reprimand and fines of \$250/citation, together with costs in the sum of \$1000.00. I think the fines are on the low side of the spectrum, when you consider the costs incurred by the Law Society in the investigation and follow up required in respect of these citations, together with the costs incurred in connection with bringing these matters to a conclusion. However, they are within a reasonable range, considering that you have made a joint submission in the matter and considering previous hearing committee decisions which counsel has brought to my attention. When considering a joint submission on sanction, a hearing committee should not disregard a joint submission unless its acceptance would cause the administration of justice to be brought into disrepute or unless it would be contrary to the public interest. I don't think that either test is met in this circumstance and am therefore prepared to accept the joint submission on sanction. The reprimand has been administered.

Mr. Worobec, it is my sincere hope that this conduct will not be repeated, for the benefit of both your own reputation and also that of our entire profession.