

October 17, 2017

NOTICE

Section 61 Resignation – Deemed Disbarment

On October 11, 2017, a Resignation Committee of the Law Society of Alberta accepted an application by **James G. Burkinshaw** to resign pursuant to section 61 of the *Legal Profession Act*, R.S.A. 2000, c. L-8. Mr. Burkinshaw is therefore disbarred, effective immediately.

Mr. Burkinshaw resides and practiced in Edmonton, Alberta, doing business as Burkinshaw Law Office. On April 12, 2017, the Law Society obtained a Custodianship Order for the property and business of Mr. Burkinshaw's law practice.

At the time of his resignation, Mr. Burkinshaw was facing four citations: failing to act with integrity when, without his client's knowledge or consent, he paid his legal fees with funds provided by his client for the sole purpose of satisfying a settlement; failing to follow his client's instructions to provide settlement funds to the opposing party; charging legal fees that were unfair and unreasonable; and breaching the accounting rules of the Law Society. Mr. Burkinshaw admitted facts in support of the outstanding citations and admitted further allegations, including: that he deliberately falsified a bank statement provided to the Law Society, breached trust conditions, took unfair advantage of opposing counsel, issued NSF cheques, failed to distribute an estate in a timely manner or as dictated by the Will, failed to properly account for a retainer received, failed to report a Writ of Execution to the Law Society and had a shortage in his trust account.

The Resignation Committee directed that Mr. Burkinshaw pay costs in the amount of \$9,259.04 and referred his conduct to the Minister of Justice and Attorney General pursuant to Section 78(6) of the *Act*.

The Custodian of Mr. Burkinshaw's practice continues to be:

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NOTICE TO: Public,
All Active Lawyers and Students-at-Law,
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.