

**IN THE MATTER OF A RESIGNATION APPLICATION  
PURSUANT TO SECTION 32  
OF THE LEGAL PROFESSION ACT, R.S.A. 2000, c.L-8  
BY RALPH WATZKE, AN INACTIVE MEMBER  
OF THE LAW SOCIETY OF ALBERTA**

**Resignation Committee:**

Cal Johnson, Q.C., Chair (Bencher)

Amal Umar (Lay Bencher)

Walter Pavlic, Q.C. (Bencher)

**Appearances**

Nancy Bains, for the Law Society of Alberta (LSA)

Richard Verhaeghe, for Ralph Watzke

**Hearing Date:**

April 25, 2017

**Hearing Location:**

Video-conference between the Law Society of Alberta at 500, 919 – 11<sup>th</sup> Avenue S.W., Calgary, Alberta and 800, Bell Tower 10104-103 Avenue, Edmonton, Alberta, with Mr. Watzke attending by conference call from Regina, Saskatchewan.

**RESIGNATION COMMITTEE REPORT**

**Introduction**

1. Ralph Watzke applied to resign from the Law Society of Alberta (“LSA”) pursuant to section 32 of the *Legal Profession Act*, R.S.A. 2000, c.L-8 (“LPA”). Because Mr. Watzke’s conduct was the subject of citations issued pursuant to the LPA, this Resignation Committee (“Committee”) was constituted to hear this application. At the time of this hearing, Mr. Watzke was an inactive member of the LSA and had a discipline record with the LSA.
2. At the conclusion of the hearing, the Committee allowed the application pursuant to section 32 of the LPA with oral reasons and advised that a written decision would follow. This is that written decision.

### **Jurisdiction/Preliminary Matters**

3. Exhibits 1, 2 and 4, consisting of the letter of appointment of the Committee, the Notice to Attend to the Member and the Certificate of Status of the Member with the LSA established the jurisdiction of the Committee. There were no objections to the constitution of the Committee. The Committee determined that it had jurisdiction, and was properly constituted, to hear the application before it.

### **Private Hearing Application**

4. At the outset of the application, counsel for the LSA advised the Committee of a joint submission to have certain medical information relating to the specifics of the diagnosis of Mr. Watzke, including all of the medical reports forming part of Exhibit 6 of the Agreed Statement of Facts and Admissions, be made subject to a private hearing order and withheld from public disclosure.
5. One of the fundamental principles of the LPA is to conduct all hearings in public unless a compelling privacy interest requires protection. Pursuant to Rule 98, upon its own motion, or the application of an interested party, the Committee may direct that portions of the records pertaining to that part of a hearing which is held in private are confidential and shall not be made available by the LSA for inspection or copying.
6. In response to the joint submission for a private hearing, the Committee was required to balance the privacy rights of the member with the public's right to expect transparent LSA proceedings. In this instance, the Committee was satisfied that there was sufficient reason to direct that a portion of the proceedings be held in private. In coming to this conclusion, the Committee noted that Mr. Watzke did not seek to avoid disclosure of the existence of a medical impairment, but rather to withhold from publication and public access certain highly sensitive personal information, including medical observations, reports and the specifics of various diagnoses. The Committee was of the view that there was adequate disclosure in the balance of the Agreed Statement of Facts and Admissions to permit the public to gain any necessary understanding of the context of this Committee's decision.
7. The Committee directed that those portions of Exhibits containing any specifics relating to any diagnosis of medical impairment, and specifically those portions of Exhibit 6 of the Agreed Statement of Facts and Admissions comprising medical reports, be withheld from public disclosure and that all such portions of the hearing record be private and not be available to the public.

### **Exhibits**

8. The Committee received and entered into the record Exhibits 1 – 6 as follows:  
  
Exhibit 1 – Letter of Appointment  
  
Exhibit 2 – Notice to Attend  
  
Exhibit 3 – Private Hearing Application Notice

Exhibit 4 – Certificate of Status

Exhibit 5 – Member Record

Exhibit 6 – Member's Materials

- 6a – Application for Resignation
- 6b – Statutory Declaration
- 6c – Undertakings and Agreements
- 6d – Agreed Statements of Facts and Admissions

Exhibit 7 – Estimated Statement of Costs

## Application

9. Mr. Watzke has been a member of the LSA since June 1976, practicing primarily in Edmonton in private practice, both as a sole practitioner and with several small law firms. In May 2000, Mr. Watzke became an inactive member so as to join a religious order. He was reinstated as an active member of the LSA in October 2002, subject to a number of conditions restricting his practice.
10. Mr. Watzke moved to Regina, Saskatchewan in 2008, where he practiced with a private law firm until May 2009. In that same year he applied unsuccessfully to the LSA to have his practice restrictions removed.
11. Mr. Watzke worked part time with an immigration consulting firm in Regina from July 2011 to September 2014. From April to October of 2014 he also worked with Northland Immigration on a full time basis.
12. Mr. Watzke has been an inactive member of the LSA since December 30, 2015.
13. At the time of his application for resignation, Mr. Watzke was voluntarily an inactive member of the LSA and faced several serious citations, including:
  - a. Acting in breach of an undertaking to the LSA;
  - b. Failing to be candid with the LSA during its investigation of the above breach;
  - c. Making a false declaration before a Notary Public in Saskatchewan; and
  - d. Failing to comply with Rules 107.1 (failing to disclose practice restrictions) and 119.34 (failing to notify the LSA of a writ of enforcement).
14. Mr. Watzke provided a Statutory Declaration in support of his application for resignation in which he has sworn that he has no client files and has not had a trust account since 1994.
15. Mr. Watzke further provided a signed Undertaking dated April 20, 2017, wherein he undertook never to apply for reinstatement to the LSA. In support of his Application for Resignation, Mr. Watzke executed an Agreed Statement of Facts and Admissions wherein he admitted (i) he acted in breach of an Undertaking given to the LSA in 2007; (ii) he was not candid with the LSA during its investigation of that breach of undertaking; and (iii) he

made a false declaration before a Notary Public in Saskatchewan. However he did not admit being in breach of Rules 107.1 and 119.34. The redacted Agreed Statement of Facts and Admissions is appended as Appendix "A" to this report.

16. The evidence, and Mr. Watzke's admissions in the Agreed Statement of Facts and Admissions, demonstrated that Mr. Watzke had engaged in conduct likely to constitute conduct deserving of sanction if the complaints were to proceed to a full hearing.

## **Decision**

17. LSA counsel supported Mr. Watzke's application for resignation, agreeing that Mr. Watzke's resignation pursuant to section 32 of the LPA served the public interest. As such, the Committee considered this application to be tantamount to a joint submission and therefore deserving of deference, unless it was demonstrably unfit or unreasonable, or contrary to the public interest.
18. The issue to be determined by this Committee was whether it was in the best interests of the public to permit Mr. Watzke to resign pursuant to section 32 in the face of serious unresolved conduct matters. Under the LPA, a member may apply to resign under either section 32 or section 61. There is a material distinction between these applications. Pursuant to section 61 of the LPA, the member's resignation amounts to a deemed disbarment if accepted. Under section 32 of the LPA, the application is merely one of resignation.
19. Resignation committees of the LSA have permitted members who faced serious conduct proceedings to resign pursuant to section 32 where the public interest may still be served without requiring either a public hearing into outstanding citations or a deemed disbarment. In those cases, resignation committees were satisfied that the member's conduct had been investigated and that certain mitigating factors existed that offer understanding and even explanation for the member's conduct. Equally importantly, in each instance, the applications for resignation were supported by the member's undertaking never to re-apply for admission to the LSA.
20. This Committee was satisfied that the public interest was served by accepting Mr. Watzke's resignation under section 32 of the LPA. Mr. Watzke's history showed a history of medical impairment. In his application for resignation, Mr. Watzke provided medical evidence that assisted the Committee greatly in its understanding of Mr. Watzke's condition.
21. Further, Mr. Watzke undertook not to make application to the LSA for readmission. There was clear evidence that Mr. Watzke had not conducted a legal practice and had no clients for a substantial period of time and that there were no trust account or trust fund issues whatsoever.
22. This Committee accepted that the undertakings offered by Mr. Watzke provided adequate protection of the public interest.
23. As a result, the Committee concluded that it was reasonable and appropriate, and in the public interest, to permit Mr. Watzke to resign pursuant to section 32 of the LPA and ordered as follows:

- a. The Agreed Statement of Facts and Admissions were in a form satisfactory to the Committee;
- b. The proposed Undertakings and Agreements in Exhibit 6c were acceptable;
- c. The member's application to resign pursuant to section 32 of the LPA was allowed, effective April 25, 2017;
- d. The roll shall reflect that Mr. Watzke's application under section 32 of the LPA was allowed on April 25, 2017;
- e. Costs of the investigation and the proceedings were set at \$15,000;
- f. Should Mr. Watzke seek to be relieved of his undertaking to never re-apply for admission to the LSA, he will be required to first pay to the LSA costs in the amount of \$15,000 before being permitted to file an application for relief from his undertaking;
- g. The decision, transcript and Exhibits in this hearing are to be made available to the public, save and except for the portions of the Records determined by the Committee, above, to be held in private and shall not be made available to the public; and
- h. A notice to the profession will be issued.

Dated this 29<sup>th</sup> day of May, 2017.

---

**Calvin Johnson, QC**

---

**Walter Pavlic, QC**

---

**Amal Umar**

**APPENDIX “A”**

IN THE MATTER OF THE *LEGAL PROFESSION ACT*

- AND -

IN THE MATTER OF A RESIGNATION APPLICATION BY  
**RALPH F. WATZKE**  
A MEMBER OF THE LAW SOCIETY OF ALBERTA

**AGREED STATEMENT OF FACTS AND ADMISSIONS**

**A. BACKGROUND**

1. I was admitted to the Law Society of Alberta (“LSA”) on June 2, 1976.
2. I practiced law mostly in Edmonton, Alberta from June 2, 1976 to December 2015, as a sole practitioner and with several small law firms, in private practice. After approximately 2008, this work was mostly of a marginal nature.
3. I was involved with Practice Review from 1992 to 2000 as a result of being found guilty of conduct deserving of sanction by reason of incompetence.
4. On May 23, 2000 my membership status became inactive as a result of my voluntary application to do so, to join a religious order.
5. I was reinstated as an active member on October 2, 2002, with a number of conditions. These conditions were amended from time to time.
6. On December 31, 2007, I was directed by to abide by the following conditions (Tab 1):
  - a. Enter into a Supervision Agreement between myself, [EI] and the Law Society and abide by the terms of the agreement at all times;
  - b. Advise any lawyer who contracts my services that my work must be reviewed by them and cannot go to any member of the public or another lawyer before that review has occurred;
  - c. Not have contact directly or indirectly with clients who are not active members of the Law Society of Alberta;
  - d. Keep records of the nature and quality of the work done on behalf of other members, as well as any monies earned, and will provide those records to the Law Society of Alberta upon request.
7. In 2008, I moved to Regina, Saskatchewan and took a job with the [MLG] from June 2008 to May 2009.

8. In 2009, I applied to the LSA to have my practice restrictions removed, with a very favorable [•] in support. It had been the LSA's specific instructions that to remove the restrictions, I had to provide them with such a report and I did so; this was the first of three reports provided.
9. The LSA denied my application due to concerns about my leaving the jurisdiction and issues arising out of my practice restrictions.
10. Given my restrictions, I was not able to apply for a regular membership with the Law Society of Saskatchewan. My employment with the [MLG] was terminated in May 2009 as a result of a failure to join the Saskatchewan bar.
11. From July 2011 to September 2014, I worked part-time for [AG], an immigration consulting firm that recruited foreign workers for jobs in Canada.
12. From April to October, 2014, I also worked in association with [NI]. There was only a partial overlap with [AG].
13. I accepted the three jobs that I did, in order to earn a viable livelihood. I have a medical condition or impairment that contributed to, caused, or formed part of the foundation of my alleged conduct. This was diagnosed as [•], or [•] in its milder form. This, and the continued practice restrictions, have very often made it impossible, or extremely difficult, for me to find and maintain regular employment.
14. The two jobs with [AG] and [NI] were very distinct and different, not at all the same. The workplace conditions and job duties were tangibly different. The most notable difference of significance, to me, was that [AG] was always only part-time, whereas [NI] was full-time.
15. I was issued a licence to engage in foreign worker recruitment from January 28, 2014 to January 27, 2015 by the Manitoba Labor and Immigration department. This is a line of work completely separate from law practice. However, I did not actually do any work pursuant to this, nor did I earn any income from it.
16. The LSA's investigation into my practice began in August 2014.
17. I have not been an active member of the LSA, nor have I practiced law, since December 30, 2015.
18. I face 4 citations directed by a Conduct Committee Panel on July 8, 2015, on file CO20142058 as a result of a complaint against me by the LSA. Those citations are:

It is alleged that I acted in breach of the Undertaking I gave to the Law Society of Alberta, dated December 31, 2007, and that such conduct is deserving of sanction.

It is alleged that I was not candid with the Law Society of Alberta during its investigation of my breach of the December 31, 2007 Undertaking, and that such conduct is deserving of sanction.

It is alleged that I made a false declaration before a Notary Public for the Province of Saskatchewan and that such conduct is deserving of sanction.

It is alleged that I failed to comply with Rules. 107.1 and 119.34 of the Rules of the Law Society of Alberta and that such conduct is conduct deserving of sanction.

## **B. APPLICATION FOR RESIGNATION**

19. I am applying to resign as a member of the LSA pursuant to section 32 of the *Legal Profession Act* (the "**Act**").
20. This application arises out of a complaint against me by the LSA which have resulted in citations being referred by a Conduct Committee Panel (a "**CCP**") to a Hearing Committee.
21. I am making this application to avoid a lengthy hearing into the merits of these matters; to prevent the corresponding inconvenience to witnesses and panel members; and to bring these long-standing complaints to a conclusion.
22. I admit the facts contained in this Agreed Statement of Facts and Admissions ("**ASF**") and where I make specific admissions to the conduct described herein, I agree that I am also admitting that the described conduct is deserving of sanction pursuant to section 49 of the *Act*, except as otherwise specified.
23. During all material times relevant to this resignation, I have suffered from medical impairment, due to my condition of [•], a mild form of [•], and believe that this [•] has caused or contributed to my conduct. (Tab 2)

## **C. FACTS AND ADMISSIONS**

### **1. Breach of Undertaking**

24. In June 2008, I started at [MLG] in Regina, Saskatchewan (answering an ad intended to recruit articling students), to train to be part of a "Class Action Team", de facto doing exclusively or nearly exclusively legal research and document drafting, mainly for Class Actions (less frequently, similar sorts of tasks on other files such as family law). While there, I was paid at the rate of a senior lawyer. My duties did not require direct contact with clients (as others did that); files I worked on were not exclusively mine, not truly "my own", but I reported to a team leader. After the first few weeks, I mainly worked at the office outside regular business hours, when it was closed to clients. I relied on the firm for files to work on, that they assigned to me, lacking sources of my own in Saskatchewan in any event. I believe Mr. M was aware of my constraints with LSA, as shown in at least one or more memos from him to that effect.
25. While with [AG], I had no supervisory authority over any [AG] employees (especially as a part-timer only with limited hours). Not only was I not a supervisor, I was always under the authority of one or more of a Branch Manager, Office Manager, and/or Immigration Consultant (all of these being full-time), and when present, the President herself. I was hired to edit the paperwork (documents) prepared by employees, but this is something



different from supervision. I did “sign off” on immigration documents I had proofread and corrected. My work was often not supervised by another lawyer, but instead by a consultant, or management person. It was not my role to meet with clients of [AG] (who were not my own clients anyway), as others were doing that. My pay and hours were irregular, not every day or week, usually only a few hours a week, and some weeks or months, not at all.

26. Regarding [NI]: Coinciding with my last months working with [AG], and until October 15, 2014, I also worked at an entirely separate full-time job at [NI]. On Feb 26, 2013, I had applied there in answer to 2 advertisements for positions as “Immigration legal secretary”, or “Sale agent”. I told them I was willing to work as secretary or sale agent, so long as it was full time. I was interviewed, but they hired someone else that year. About a year later, based on the earlier interview, owner [HV] offered me a full-time job of the secretary type, at the secretary level salary of \$14/hr (not a lawyer’s salary for lawyer’s work which would have been higher). I made her aware of my LSA status, she was understanding and accepting of that. However, for valid internal reasons, she chose not to share this with some subordinates, including Mr. H. [N], due to his personality and perceived lack of empathy. Care was taken to avoid referring to me or holding me out as lawyer; job titles were not used at that office. I did the same or similar work as the several other secretarial/clerical type workers, we all shared in taking part in preparing and reviewing the company’s paperwork, mostly on computer. Instead of only proofing and correcting government forms prepared by others, I would, like the others, prepare complete form sets online from start to finish, very different from [AG]. Like at the other 2 jobs, I dressed casually, and was not expected to deal with clients, as others did that.
27. It was alleged that I failed to advise [AG] that I was subject to practice restrictions and that my work had to be reviewed by another lawyer and that I was not permitted to have direct or indirect contact with any client who was not a member of the LSA. Nevertheless, it is my position that neither [AG] nor [NI] were, nor did they ever claim to be, law practices, they were strictly recruitment and immigration consultant businesses and I was hired to work in those businesses. [AG] stated that they asked LSA if I could work as a lawyer for them, and obtained approval, and thus believed they could hold me out as a lawyer, but failed in fact to utilize my services as such. At both [AG] and [NI] I lacked any solicitor-client relationships, all “clients” (typically whom I’d never met or communicated with), were the company’s, and not mine as a lawyer. I did not have “files” or “clients” in any conventional sense as known in a law practice. I was not assigned ongoing responsibility for handling clients or files; these were under the control of the full-time staff (which at [AG], I was not), and I was assigned only specific tasks on a one-time basis, usually never to deal with that matter again.

### *Admission*

28. I admit that I acted in breach of the Undertaking I gave to the LSA, dated December 31, 2007, to the extent set out herein.

## **2. Failure to be Candid with the Law Society**

29. During the course of the law society’s investigation of the citations against me, I indicated to the investigators that I did not deal with the public or clients directly while I

was with [MLG]. As stated in paragraph 25 herein, I do not think this was false, nothing to the contrary was ever established, and I believe that whoever suggested otherwise may not have understood or been aware of what I was actually doing, and my role as being hired to work on Mr. [M]'s Class Action Team – he/they did not even want me to work on other matters.

30. It was alleged that, during the course of the investigation of these complaints, I advised the LSA that the extent of my work for [AG] and [NI] was clerical in nature with some legal research, but they allege, to the contrary, that I was hired to conduct the work of an immigration lawyer by [AG] and [NI]. I believe what I stated, to be correct and truthful, as I consider anything that might resemble lawyering, was minimal at best, and were tasks a non-lawyer could do. As stated, it was [AG] that chose to hold me out as a lawyer, as they believed they had LSA's approval to do that. As for [NI], I was hired based on an ad for (and paid \$14/hr as) "Immigration Legal Secretary", and care was taken to avoid representing me as lawyer. In fact, the following stipulations represented my status at [NI] (a Registered Immigration Consultancy Office, not a law firm), with the Licensed Consultant principal owner of the Company being [HV] "All persons working in [NI] work under the aegis, management, and supervision of [HV], and assist her in her function as Consultant. Although I (Ralph Watzke) have a law degree (Bachelor of Law), and qualify as a lawyer in Alberta, in the [NI] office, which is a Registered Immigration Consultancy Office (not a law firm), my sole function was to assist the Licensed Consultant [HV], rather than actually practise in my own name as a lawyer in Saskatchewan (not yet being a lawyer in SK), and that whatever was done by me at [NI], was being done not as a lawyer, but exclusively as assistant to the Consultant [HV]."
31. It was alleged that I failed to produce my complete application for the Recruitment Licence from Manitoba Employment Standards at the request of LSA investigators. Instead, I produced a "replica" preliminary application from memory which contained none of the false or questionable information (there was only one such item), that had been included in the second part of the application. The first one-page application form was actually the ONLY FORM shown or referred to in the Regulations or the website. Later, a copy of the original of the first application did turn up, I wasn't able to locate it earlier but reconstructed it accurately from notes taken at the time. I believe I was misled by both Manitoba and Actyl, as both the Regs and the website showed only ONE very simple application form that was easy to comply with, no mention was made of the requirement or existence of a second form until later. I think [AG] used me and took advantage of me, in this, as they used my license and name to recruit 4 workers for 2 companies without involving me or paying me anything, and then abandoned foreign recruitment for Manitoba altogether when the immigration rules for food service temporary foreign workers changed. This was a job that is not a part of law practice. In fact, the Manitoba rules for licensed foreign recruiters, prohibited the recruiters or their employers, from any representation in any immigration or legal matters, which would have to be done by an unconnected third party.

### *Admission*

32. I admit that I was not candid with the LSA during its investigation of my breach of the December 31, 2007 Undertaking, to the extent set out herein.

### **3. False Declaration before a Notary Public**

33. In 2014, I held a licence to recruit foreign workers issued by Manitoba's Employment Standards (Tab 3). Within the application, I indicated that I was a member of the LSA (which was true), and that I had never had disciplinary action imposed on me by a law society.
34. I solemnly declared before a Saskatchewan Notary that all the statements contained in the application were complete and true in every respect.
35. The statement that I had never been subject to disciplinary proceeding by any law society was false. I was previously found guilty on citations in 1986, resulting in a Reprimand, Fines and Costs, and again in 1992, resulting in a Reprimand and Costs.

#### *Admission*

36. I admit that I made a false declaration before a Notary Public for the Province of Saskatchewan, as to the single statement referred to above.

#### **4. Breach of Law Society Rules**

37. While I was employed with [AG], my profile appeared on their website (Tab 4). I was listed as an immigration lawyer for the company. My [AG] profile made no mention of my practice restrictions and the Law Society alleged that this was contrary to R. 107.1, Rules of the Law Society<sup>1</sup>.
38. My position is that the item that [AG] chose to unilaterally place on its informational and contact website (which I believe differs from advertising), was supplied as an attachment to my resume, on applying initially for the position (instead of specifically written for their website). It was a word-for-word copy of my biographical data, with photo attached, that was on the University of Manitoba website as an instructor. They chose, contrary to my wishes, to insert the exact same words and photo under "our team". I believe it was not contrary to R. 107.1 of the Rules of the Law Society, as it was not "the member's advertisement" but a website of a third party (Actyl). It was thus not MY advertisement, nor MY website, it was someone else's.
39. In March 2012 a writ of execution for \$33,000 was registered against my residence in Saskatchewan and in August 2014 (about the same time that the Investigation started, thus I would not have been able to respond), an enforcement charge was registered against the house. I do not believe I was under an obligation to notify the LSA (pursuant to Rule 119.34 of the Rules of the Law Society<sup>2</sup> of the enforcement charge or writ of execution, since it is clearly something, in my opinion, different than what is specified in

---

<sup>1</sup> **Rule 107.1** of the Rules of the Law Society requires a lawyer who is subject to restrictions on his or her areas of practice to "clearly indicate such restrictions" on **the lawyer's** "business cards, letterhead and **written advertisements**."

<sup>2</sup> **Rule 119.34** of the Rules of the Law Society requires a lawyer to "immediately notify . . . the Manager, Trust Safety, in writing of... the issuance of a **writ of enforcement** against the lawyer . . ." *The Enforcement of Money Judgments Act* 2013, c.O-4.2; and 2015, c.7, ss.2(n) and 22, came into effect in Saskatchewan in May 2012. The charge created by registering a judgement was called an Enforcement Charge rather than a writ of execution.

the precise words of Rule 119.34. This does not fall within that Rule which specifies only “writ of enforcement”, it is different: different name, differently defined, differing legal effects, non-uniform, non-identical laws of another province.

40. Although it is alleged that I failed to comply with Rules. 107.1 and 119.34 of the Rules of the Law Society of Alberta, I believe that I was not in actual contravention of what was specified in either Rule.

**D. INDEPENDENT LEGAL ADVICE**

41. I agree that:
- a. I have received independent legal advice regarding the implications of this application; and
  - b. I have signed this ASF voluntarily and without any compulsion or duress.

**ALL OF THESE FACTS ARE ADMITTED THIS 20<sup>th</sup> DAY OF APRIL, 2017.**

**“Ralph F. Watzke”**

---

**RALPH F. WATZKE**