

**IN THE MATTER OF PART 3 OF THE  
LEGAL PROFESSION ACT, RSA 2000, c. L-8**

**AND**

**IN THE MATTER OF A HEARING REGARDING  
THE CONDUCT OF DAVID KOBLYNYK  
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

**Hearing Committee**

Kathleen Ryan, QC – Chair and Benchler  
Sandra Mah – Lawyer Adjudicator  
Ike Zacharopoulos – Public Adjudicator

**Appearances**

Brad Nemetz, QC and John Craig, QC – Counsel for the Law Society of Alberta (LSA)  
David Kobylnyk – Self-Represented

**Hearing Date**

May 6, 2019

**Hearing Location**

LSA office, at 500, 919 - 11 Avenue SW, Calgary, Alberta

**HEARING COMMITTEE REPORT**

**Overview and Summary of Outcome**

1. David Kobylnyk (“Mr. Kobylnyk”) is a lawyer. He practices law in Calgary, Alberta and has been a member of the Law Society of Alberta (“LSA”) since 2000. In 2015 and 2016, Mr. Kobylnyk had a series of serious service failures in his practice. These failures resulted in citations being issued by the LSA. Mr. Kobylnyk admitted conduct deserving of sanction in respect of seven citations. Attached to this report is the Statement of Admitted Facts and Admission of Guilt (“Statement of Facts”).
2. The consistent feature in each admission of sanctionable conduct is Mr. Kobylnyk’s failure to take timely action when it was required of him. As a result of this conduct, Mr. Kobylnyk:
  - a) Did not meet the needs of three clients;
  - b) Failed to respond to another lawyer;

- c) Failed to respond to the LSA;
  - d) Failed to comply with trust accounting requirements; and
  - e) Failed to cooperate with the LSA investigation.
3. In respect of one matter, Mr. Kobylnyk was not candid with a client and signed an order without instructions.
4. Mr. Kobylnyk's Statement of Facts, particularly the admission of conduct deserving of sanction for each citation, has allowed the LSA and the witnesses to avoid a lengthy hearing. Mr. Kobylnyk fully agreed to the proposed Statement of Facts submitted by the LSA. Mr. Kobylnyk and the LSA tendered a joint submission respecting sanction. The proposed sanction was accepted by the Hearing Committee ("Committee").
5. The sanction imposed is as follows:
- a) Two-month suspension to be served August 1 to September 30, 2019;
  - b) Payment of \$30,000 in costs within 24 months of this decision;
  - c) Referral to Practice Management; and
  - d) Confirmation of Mr. Kobylnyk's undertaking to promptly respond to and cooperate with the LSA, found at paragraph 66 of the Statement of Facts.

### **Citations**

6. The Committee convened May 6, 2019 for a hearing respecting the following citations directed against Mr. Kobylnyk:
- 1) It is alleged that David W. Kobylnyk failed to serve his clients, I.W., P.B. and U.Z., and that such conduct is deserving of sanction;
  - 2) It is alleged that David W. Kobylnyk failed to respond promptly and completely to communications from the Law Society and that such conduct is deserving of sanction;
  - 3) It is alleged that David W. Kobylnyk failed to cooperate with a Law Society investigation and that such conduct is deserving of sanction;

- 4) It is alleged that David W. Kobylnyk failed to be candid with his client, U.Z., and that such conduct is deserving of sanction;
- 5) It is alleged that David W. Kobylnyk signed a Consent Order on behalf of his client, U.Z. without instructions and that such conduct is deserving of sanction;
- 6) It is alleged that David W. Kobylnyk failed to respond in a timely manner to communications from another lawyer, N.L., and that such conduct is deserving of sanction; and
- 7) It is alleged that David W. Kobylnyk failed to comply with the Law Society's trust accounting rules and that such conduct is deserving of sanction.

### **Preliminary Matters**

7. There were no objections to the constitution of the Committee or its jurisdiction. No private hearing was requested. A public hearing proceeded.

### **Statement of Facts and Background**

8. The Statement of Facts was tendered to the Committee. The Committee found the Statement of Facts to be in a form acceptable for the purposes of s. 60 of the *Legal Profession Act*, RSA 2000, c L-8 (the "*Act*").
9. The evidence surrounding the citations is described in detail in the Statement of Facts. Mr. Kobylnyk acknowledged that he made the admissions therein voluntarily and free of coercion. He unequivocally admitted guilt to the essential elements of each citation. He understood the nature and consequences of his admission. Mr. Kobylnyk further admits that his conduct is conduct deserving of sanction for each of the seven citations. This Committee unanimously agrees that the conduct is deserving of sanction.

### **Submissions of the LSA Respecting Sanction**

10. LSA counsel made several submissions respecting the jointly proposed sanction. Mr. Kobylnyk has been a member of the LSA since 2000 with no prior discipline history. He is a sole practitioner and has no secretarial support.
11. LSA counsel noted that Mr. Kobylnyk cooperated fully in this process and did not dispute any allegation. Indeed, he did not seek to change a single word on the Statement of Facts drafted by the LSA. In the aftermath of the issues in 2015 and 2016, he has brought his practice current, for the most part, in his trust accounting requirements. It is, however, notable that Mr. Kobylnyk was late last year on a filing which resulted in an administrative penalty.

12. Counsel for the LSA also noted that the initial set of citations exceeded twenty. The citations were published on the LSA website. Mr. Kobylnyk suffered embarrassment from the extensive nature of the citations. The public nature of the citations was raised on at least one occasion in court before a Master in Chambers. Mr. Kobylnyk was also the subject of an interim suspension application, which was denied. As a result, Mr. Kobylnyk has endured a significant amount of stress throughout these proceedings.
13. In support of the proposed sanction, the LSA counsel tendered two cases:  
*Law Society of Alberta v. Mirasty*, 2016 ABLs 21  
*Law Society of Alberta v. Paul LeClair*, 2009 LSA 11
14. While these decisions are not entirely analogous, both cases generally deal with a failure of a lawyer to meet deadlines and serve clients. Among other client failings, Mr. LeClair ignored multiple client requests and failed to take proper steps on several files, ultimately resulting in loss to clients. Similar to Mr. Kobylnyk, Mr. LeClair also ignored his regulator after his conduct was the subject of complaint. Mr. LeClair had several personal hardships at the time of his misconduct, which hardships were described as a “tragedy” by the Hearing Committee. The LSA and Mr. LeClair made a joint submission for a four-month suspension. The Hearing Committee ordered a three-month suspension.
15. In *Mirasty*, a lawyer acting as a trustee on behalf of a vulnerable client failed to properly account respecting the trust and, in so doing, ignored a court order requiring that compliance. Mr. Mirasty was suspended for 45 days.
16. The LSA notes that the sanction proposed for Mr. Kobylnyk is neither at the lowest nor the highest end of the sanctions reasonably available for this conduct. LSA counsel, however, noted that the effect of a \$30,000 costs sanction, in addition to the proposed suspension, will effectively deprive Mr. Kobylnyk of his income for a period of up to 6 months as a direct result of his misconduct. This is a significant personal and financial price to pay for his conduct.

### **Submissions of Mr. Kobylnyk Respecting Sanction**

17. Mr. Kobylnyk was also asked to provide submissions to the Committee on sanction.
18. Mr. Kobylnyk did not provide significant information respecting his personal background other than noting a physical health issue that impacted him at the time these issues arose. Without further evidence, the Committee could not use this factor as a significant mitigating impact on sanction.
19. Mr. Kobylnyk spoke passionately and extensively about the negative impact that this process has had on his life. He described embarrassing encounters where his reputation

had been publicly demeaned, including one in front of a group of minor athletes and another where he was criticized by other counsel in court. Despite the Statement of Facts, Mr. Kobylnyk took grave exception to the allegation that lack of governability would be an overriding concern of the LSA in his case. He stated that the conduct proceedings of the LSA “destroy the lives of lawyers.”

### **Analysis on Sanction**

20. We are required to take a purposeful approach in sanctioning. The *Act* sets out the primary purpose of discipline proceedings:
  - 1) The protection of the best interest of the public (including the members of the Society); and
  - 2) Protecting the standing of the legal profession generally.
21. Public protection and confidence in the legal profession are the paramount concerns. The intent of the process is not punitive. Rather, the goal is protection of the public and of the profession’s reputation. A number of factors are to be considered on sanction:
  - a) The need to maintain the public’s confidence in the integrity of the profession and the ability of the profession to effectively govern its own members;
  - b) Specific deterrence of the lawyer in further misconduct;
  - c) Incapacitation of the lawyer (through disbarment or suspension);
  - d) General deterrence of other lawyers;
  - e) Denunciation of the conduct;
  - f) Rehabilitation of the lawyer; and
  - g) Avoiding undue disparity with the sanctions imposed in other cases.
22. In addition, the Committee asked Mr. Kobylnyk specifically if he wished to address special circumstances, aggravating or mitigating, that may have been helpful to the Committee in its deliberation including the following:
  - a) The risk of reoccurrence;
  - b) His reaction to the discipline process;

- c) Restitution made, if any;
  - d) General character;
  - e) A dishonest or selfish motive;
  - f) Personal or emotional problems;
  - g) Physical and mental disability or impairment;
  - h) Interim rehabilitation; and
  - i) Remorse.
23. The Committee was concerned that, despite Mr. Kobylnyk's opportunity to address these issues, his comments on the factors above were limited. Instead, he made multiple disparaging comments about the LSA. This left the Committee with the impression that Mr. Kobylnyk blamed the LSA for his circumstances. This apparent lack of insight, despite the clear admissions in the Statement of Facts, is a concern.
24. The citations, the hearing, and this sanction were created entirely by Mr. Kobylnyk's conduct including his multiple failures in client service and responsiveness to his regulator. As embarrassing as the LSA discipline process is, it is a stark reminder that the protection of the public interest is paramount.
25. A lawyer in Alberta is in a position of privilege with the public. That public trust is key to an independently regulated profession. Although Mr. Kobylnyk found public scrutiny to be a hardship, the publication of the conduct is merely the medium through which the public transparently witnesses the regulator's primary function. It is the conduct itself that has negatively impacted not only Mr. Kobylnyk's own reputation, but by extension, the reputation of all lawyers and the profession itself. If such conduct goes unchecked, it will harm the standing of the profession and subject the public to unnecessary risk.
26. It is particularly concerning that Mr. Kobylnyk was not candid with his client after he missed deadlines. This lack of candour legitimately infuriated his client, which has, in turn, aggravated Mr. Kobylnyk's circumstances.
27. The recommended discipline will act as a specific deterrent for Mr. Kobylnyk and a general deterrent for others.

## Decision on Joint Submission

28. This Committee should not disregard a joint submission unless doing so would bring the administration of justice into disrepute or it is otherwise contrary to the public interest. The Supreme Court of Canada so stated in *R. v. Anthony-Cook*:

Rejection [of a joint submission] denotes a submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down.<sup>1</sup>

29. This case has been followed in multiple reported professional discipline proceedings in Alberta since 2016. In *Law Society of Alberta v. Pearson*, 2011 ABLs 17,<sup>2</sup> the Hearing Committee noted the following:

A Hearing Committee should give serious consideration to a joint sentencing submission, should not lightly disregard it, and should accept it unless it is unfit or unreasonable, contrary to the public interest, or there are good and cogent reasons for rejecting it.

This approach was also applied in *Law Society of Alberta v. Bontorin*, 2015 ABLs 9.

30. The Committee finds the joint submission on sanction to be fit and reasonable. It is a balanced approach. While the length of the suspension could perhaps have been longer, the significant costs imposition on Mr. Kobylnyk will have the equivalent effect of amplifying the sanction.

## Concluding Matters

31. There will be no notice to the Attorney General. The notice to the profession has been issued.
32. The exhibits and other hearing materials and this report will be available for public inspection, including providing copies of exhibits for a reasonable copy fee, subject to redactions to preserve personal information, client confidentiality and solicitor-client privilege.

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<sup>1</sup> *R. v. Anthony-Cook*, supra, para 34.

<sup>2</sup> Paragraph 21.

Dated at Calgary, Alberta, July 17, 2019.

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Kathleen Ryan, QC

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Sandra Mah

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Ike Zacharopoulos



**IN THE MATTER OF THE *LEGAL PROFESSION ACT***

**-AND-**

**IN THE MATTER OF A HEARING REGARDING THE CONDUCT OF**

**DAVID W. KOBYLNYK**

**A MEMBER OF THE LAW SOCIETY OF ALBERTA**

**HEARING FILE NUMBER HE20170205**

**STATEMENT OF ADMITTED FACTS AND ADMISSION OF GUILT**

**INTRODUCTION**

1. I became a member of the Law Society of Alberta (the "**LSA**") on February 11, 2000 and have practiced in Calgary, Alberta since that time.
2. My status with the Law Society of Alberta is Active/Practicing and my practice comprises Civil Litigation (30%), Real Estate (25%), Matrimonial/Family (20%), Criminal (15%), Corporate (5%) and Immigration (5%).

**CITATIONS**

3. On July 24, 2018 the following citations were directed to hearing:
  - a) It is alleged that David W. Kobylnyk failed to serve his clients, I.W., P. B., and U. Z., and that such conduct is deserving of sanction;
  - b) It is alleged that David W. Kobylnyk failed to respond promptly and completely to communications from the Law Society and that such conduct is deserving of sanction;
  - c) It is alleged that David W. Kobylnyk failed to cooperate with a Law Society investigation and that such conduct is deserving of sanction;
  - d) It is alleged that David W. Kobylnyk failed to be candid with his client, U.Z., and that such conduct is deserving of sanction;
  - e) It is alleged that David W. Kobylnyk signed a Consent Order on behalf of his client, U.Z. without instructions and that such conduct is deserving of sanction;

- f) It is alleged that David W. Kobylnyk failed to respond in a timely manner to communications from another lawyer, N. L., and that such conduct is deserving of sanction; and
- g) It is alleged that David W. Kobylnyk failed to comply with the Law Society's trust accounting rules and that such conduct is deserving of sanction.

## **FACTS**

**Citation 1:** It is alleged that David W. Kobylnyk failed to serve his clients, I.W., P. B., and U. Z., and that such conduct is deserving of sanction.

### **(A) Citation #1 regarding I.W.**

- 4. In 2009, I.W. retained me to represent her in an existing action against her former employer (the "**Claim**") which had been commenced by I.W. with the assistance of her husband P.B. (the P.B. who is also the client with respect to this Citation). P.B. is also a lawyer.
- 5. On July [...], 2010, the defendant successfully applied to strike the Claim on the basis that the Claim fell within the jurisdiction of a collective agreement.
- 6. On June [...], 2011, I successfully appealed the Court of Queen's Bench decision to strike the Claim to the Alberta Court of Appeal (Court of Appeal decision was released September [...], 2011).
- 7. The Court of Appeal reinstated a portion of the Claim, and I.W. instructed me to continue the Claim.
- 8. Although I.W. was partially successful in the Court of Appeal, the decision did not address costs and thus entitlement to costs was an issue. However, I did not provide opposing counsel with a draft Bill of Costs and Judgment Roll with respect to the appeal for a number of months and thereafter I did not follow up, thus I.W.'s entitlement to costs on her partially successful appeal was never adjudicated and she received no costs.
- 9. On April 15, 2015, counsel for the defendant applied to dismiss the Claim on the basis of long delay, no steps being taken since appeal decision. I was served with the

Application and supporting documents.

10. I had not advised either P.B. or I.W. of the approaching "drop dead" date. I felt that since P.B. was a lawyer he should have been well aware of the delay rules.
11. On April 21, 2015, I advised P.B. of the application to dismiss the Claim. On May 12, 2015, I provided P.B. with a Consent Order dismissing the Claim and sought instructions on signing the Consent Order. I felt that there was no defence to the application.
12. On May 15, 2015, I received an email from P.B. in which he stated, in part:

"We feel constrained to instruct you any more on this file because you have not followed our instructions for over 5 years. It was not [I.W.'s] intention that this matter would die from want of prosecution. Ditto for my JP file. Our mailing address is unchanged."
13. The application to dismiss was heard by Master [F] on [...], 205[sic]. I advised Master [F] that I had sought, but did not receive, instructions from my client. Master [F] dismissed the Claim. It was also determined that the defendant would discontinue its Counterclaim and that there would be no costs for the discontinuance.
14. On September 25, 2015, opposing counsel, served me with an Appointment for Assessment of Costs returnable November [...], 2015. I did not advise I.W. or P.B. about the application.
15. At the Assessment of Costs hearing, costs were assessed against I.W. in the amount of \$7,505.48.
16. Writ of Enforcement was filed and registered on December 17, 2015. The Writ was registered against title to I.W. and P.B.'s home on January 18, 2016.
17. I did not advise I.W. or P.B. that costs had been assessed against I.W.
18. On January 20, 2017, P.B. emailed me requesting both his and I.W.'s files and offered to pick up the files in person. I did not respond.
19. I did not provide I.W. or P.B. with their files but authorized the Law Society of Alberta, who had received and copied those files in the course of its investigation of the I.W. and P.B. complaints, to provide copies to them.

**(B) Citation #1 regarding P.B.**

20. As P.B. is the husband of I.W., their complaints and representation by me are somewhat intertwined. P.B. was generally the one who was dealing with me on behalf of his wife's matter and his own matter.
21. P.B. retained me in May 2010. I filed the Statement of Claim against the Alberta Government regarding the lawfulness of the government's change to his terms of employment as a Justice of the Peace. I did nothing to advance P.B.'s claim. P.B. made a number of telephone calls to me and left voice messages. I often did not return his calls and messages.
22. P.B. filed his own Affidavit of Records to interrupt the running of the time to take the next step.
23. As set out above (re: I.W.'s claim), I failed to return P.B. and I.W.'s files except after their complaints to the Law Society of Alberta against me and, then, only had the Law Society provide copies of them to the complainants.

**(C) Citation regarding U.Z.**

24. U.Z. retained me on behalf of his companies, (P and C), with respect to claims they had.
25. In the case of the claim against P, an application was filed to strike the claim for failure to deliver an Affidavit of Records on time.
26. On October 16, 2015, I sent an email to U.Z. advising him that he had just been served with a court application compelling him to provide the Affidavit of Records. This was incorrect as I had previously been served with the application.
27. Indeed, prior to sending the foregoing email, without U.Z.'s instructions, knowledge or consent, I had signed a Consent Order which provided that P would provide an Affidavit of Records on or before October 22, 2015 and also that P would pay \$1,000 in costs.
28. On October 21, 2015, with no mention of the Consent Order, I sent an email to [UZ] stating "I really need to get your Affidavit of Records done".
29. The Affidavit of Records was completed and served prior to the October 22, 2015 deadline.
30. After October 27, 2015, U.Z. in telephone messages and emails expressed frustration about not being able to contact or meet with me.

31. On January 22, 2016, I sent him a detailed email regarding both files and options available to him. This was my last communication to U.Z.
32. U.Z. sent me an email on January 21, 2016, asking me to expedite the files and provide information. He emailed me again indicating that my failure to respond caused him to seek other counsel.
33. U.Z. terminated my services on March 25, 2016 and asked for a final invoice and his files. I did not respond and I retained his files. Only after repeated requests and the complaint brought by U.Z. to the Law Society with respect to the matter (as set out below in respect of citation #6 N.L.'s lawyer) were the files provided to my lawyer.

**Citation 2:** It is alleged that David W. Kobylnyk failed to respond promptly and completely to communications from the Law Society and that such conduct is deserving of sanction.

and

**Citation 3:** It is alleged that David W. Kobylnyk failed to cooperate with a Law Society investigation and that such conduct is deserving of sanction.

34. On May 9, 2016, I was advised of the complaint by I.W. and the LSA requested a written response to the complaint by May 30, 2016. I did not respond.
35. On June 14, 2016, the LSA again emailed me requesting a response to the complaint by June 20, 2016. I did not respond.
36. On August 10, 2016, [BA], Law Society investigator ("**[BA]**"), emailed me advising that an Investigation Order had been issued concerning the complaint and asking me to call him. I did not respond.
37. On August 12, 2016, [BA] left a voicemail message for me asking to contact him. He also emailed and mailed a copy of the Investigation Order and a Part 3, Section 55 letter to me which directed that I contact the LSA within 3 business days. I did not contact [BA].
38. A further letter, dated August 19, 2016 from [BA], was hand-delivered to me.
39. On November 10, 2016, [BA] wrote a Part 3, Section 55 letter to me directing me to provide my availability for an interview with the investigators. The letter was emailed to

me by another Law Society investigator [SF] ("**SF**") on November 10, 2016 and he slid a further copy of the letter under my office door on November 15, 2017.

40. An interview took place on December 14, 2016. However, at that interview I refused to allow that interview to be recorded.
41. I only consented to a recorded interview after a court application was filed to compel me to re-attend for a recorded interview, which interview took place on March 21, 2017.
42. On March 22, 2017, I was served with a Part 3 letter pursuant to an Investigation Order seeking various records in relation to the U.Z. complaint by April 5, 2017. I did not respond.
43. [BA] emailed me on April 6, 2017 asking if I needed more time to locate the documents mentioned in the March 21st interview and the Part 3 letters.
44. I did not respond to [BA] until April 30, 2017 in an email wherein I advised him that I would get back to him on his request for documents after May 10, 2017. I never got back to him in that regard.

**Citation 4:** It is alleged that David W. Kobylnyk failed to be candid with his client, U.Z., and that such conduct is deserving of sanction.

45. See admissions under Citation #1 (C) above.

**Citation 5:** It is alleged that David W. Kobylnyk signed a Consent Order on behalf of his client, U.Z. without instructions and that such conduct is deserving of sanction.

46. See admissions under Citation #1 (C) above.

**Citation 6:** It is alleged that David W. Kobylnyk failed to respond in a timely manner to communications from another lawyer, N. L., and that such conduct is deserving of sanction.

47. U.Z. retained the services of lawyer, N.L., to take over the P litigation. By email of March 30, 2016, N.L. requested P's files from me. When I did not respond N.L. contacted me again on April 27, 2016 with respect to the P files. I did not provide the files to U.Z.
48. N.L. telephoned me on a number of occasions regarding the files. I did not respond to N.L.'s emails or calls until August after U.Z. had filed his complaint against me with the Law Society of Alberta.
49. I transferred P files to N.L. on August 19, 2016.

**Citation 7:** It is alleged that David W. Kobylnyk failed to comply with the Law Society's trust accounting rules and that such conduct is deserving of sanction.

50. I am the Responsible Lawyer (RL) for my law firm, DK Law Office.
51. In April 2014, I agreed to certain Trust Safety conditions, one of which was that I provide Trust Safety Accounting uploads.
52. I did not provide my Trust Safety Accounting uploads for the years 2015 and 2016.
53. I did provide, as part of my involvement with Practice Management 2017, copies of monthly general and trust reconciliations for 2015 and 2016 and my 2016 Self Report (late).
54. As of the date the citations were issued, the following Trust Safety filings had not been provided to the Law Society of Alberta:

| Requirement                    | Year | Due Date         |
|--------------------------------|------|------------------|
| Self-Report                    | 2016 | January 31, 2017 |
| Trust Safety Accounting Upload | 2016 | January 31, 2017 |
| Trust Safety Accounting Upload | 2015 | January 31, 2016 |

55. Trust Safety made numerous attempts to contact me with respect to outstanding filings beginning in March 2016.
56. I did not respond to Trust Safety until May 30, 2016. At that time, I advised Trust Safety that I would have my accountant work on the reports and that the Law Society should have them within the next few weeks.
57. I did not provide the reports and did not respond further to communication from Trust Safety until I was personally served with a letter from Trust Safety on August 19, 2016.
58. My 2017 Trust Safety filings were filed, albeit late, and my 2018 Trust Safety filings were filed on time.

### **ADMISSION OF GUILT**

59. With respect to Citation 1, I admit that I failed to serve my clients, I.W., P. B., and U. Z., and that such conduct is deserving of sanction.
60. With respect to Citation 2, I admit that I failed to respond promptly and completely to communications from the Law Society and that such conduct is deserving of sanction.

61. With respect to Citation 3, I admit that I failed to cooperate with a Law Society investigation and that such conduct is deserving of sanction.
62. With respect to Citation 4, I admit that I failed to be candid with my client, U.Z., and that such conduct is deserving of sanction.
63. With respect to Citation 5, I admit that I signed a Consent Order on behalf of my client, U.Z. without instructions and that such conduct is deserving of sanction.
64. With respect to Citation 6, I admit that I failed to respond in a timely manner to communications from another lawyer, N. L., and that such conduct is deserving of sanction.
65. With respect to Citation 7, I admit that I failed to comply with the Law Society's trust accounting rules and that such conduct is deserving of sanction.

#### **ACKNOWLEDGEMENT**

66. I acknowledge and understand my obligations to promptly respond to and cooperate with the Law Society of Alberta and undertake to do so.
67. I also acknowledge and agree that I will participate in Practice Management or his delegate, as directed by the Manager, Practice Management, and abide by those directions (any dispute to be resolved by the Practice Review Committee).

#### **INDEPENDENT LEGAL ADVICE**

68. I acknowledge that, despite being given the opportunity to seek legal counsel in the course of these proceedings, I have chosen to represent myself. I acknowledge that I sign this Statement of Facts and Admission of Guilt voluntarily and without any compulsion or duress.

DATED THE 3<sup>rd</sup> DAY OF May, 2019

"D. Kobylnyk"  
David W. Kobylnyk