

**IN THE MATTER OF PART 2 OF THE
LEGAL PROFESSION ACT, RSA 2000, c. L-8**

AND

**IN THE MATTER OF A SECTION 32 RESIGNATION APPLICATION
REGARDING GREG LINTZ
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Resignation Committee

Cal Johnson, KC – Chair (Bencher)
Bud Melnyk, KC – Committee Member (Bencher)
Louise Wasylenko – Committee Member (Bencher)

Appearances

Shanna Hunka – Counsel for the Law Society of Alberta (LSA)
Walter Raponi – Counsel for Greg Lintz

Hearing Date

January 9, 2024

Hearing Location

Virtual Hearing

RESIGNATION COMMITTEE REPORT

Overview

1. Greg Lintz is a 67-year-old lawyer who practiced in Edmonton. He was admitted to the Alberta bar in 1981. Over a period of approximately four to five years, Mr. Lintz collaborated with Shawn Beaver, an Edmonton lawyer who was suspended by the LSA in 2015 and subsequently disbarred in 2017. Between 2015 and 2020, their collaboration involved Mr. Beaver referring nine clients to Mr. Lintz who then facilitated Mr. Beaver retaining some significant involvements in the files. Upon being contacted by the LSA about this collaboration in December 2020, Mr. Lintz ceased the collaboration and thereafter cooperated with the LSA in its investigation. A hearing on this matter was initially set for November 2023, but at that time Mr. Lintz, who is dealing with a medical condition, determined to resign and close his practice by the end of the year, resulting in this proceeding. Mr. Lintz entered into undertakings with the LSA covering a number of related matters, including that he would not re-apply to the LSA for admission to the LSA (Undertaking).

2. Mr. Lintz applied for resignation from LSA, pursuant to section 32 of the *Legal Profession Act*, R.S.A. 2000, c.L-8 (*Act*). Because Mr. Lintz's conduct was the subject of a citation issued pursuant to the *Act*, this Resignation Committee (Committee) was constituted to hear this application.
3. At the time of this hearing, Mr. Lintz was an inactive member of the LSA and had a no prior disciplinary record with the LSA.
4. After reviewing all of the evidence and exhibits, and hearing the testimony and arguments of the LSA and counsel for Mr. Lintz, the Committee allowed the application pursuant to section 32 of the *Act*, but it was conditional upon (i) Mr. Lintz completing all necessary matters to allow the closing of his trust account, and (ii) the Committee receiving satisfactory confirmation from the Trust Safety department of the LSA that this had occurred. This decision was given orally at the hearing, with written reasons to follow once the above conditions had been satisfied. This is that written decision with those conditions having been satisfied.
5. In addition, the Committee orders Mr. Lintz to pay costs in the amount of \$22,472.24 consistent with undertakings given by him. The costs become payable prior to any application by Mr. Lintz to be relieved of the Undertaking to not re-apply for admission to the LSA.

Preliminary Matters

6. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested, so a public hearing into Mr. Lintz's resignation application proceeded.

Citations

7. Mr. Lintz faced a single citation that he knowingly assisted a disbarred lawyer to practice law and that such conduct was deserving of sanction.

Agreed Statement of Facts

8. Mr. Lintz executed a Statement of Admitted Facts (Statement) on October 31, 2023. In the Statement, Mr. Lintz acknowledged that he facilitated legal work being done by Mr. Beaver while he was suspended or disbarred by granting access to his firm's resources and the support of his legal assistant. This included allowing Mr. Beaver to, inter alia, prepare arguments, pleadings and legal briefs, meet with clients and provide legal advice and opinions, take instructions from clients, review disclosure and other client documents, and script emails and letters to other counsel with the intent that Mr. Lintz's name be inserted.

9. The Statement also confirmed that, while Mr. Lintz did not pay Mr. Beaver, he also made no effort to inquire as to what Mr. Beaver's arrangements were with the clients. It also confirmed that Mr. Lintz and Mr. Beaver discussed fees, client files, litigation strategy, pleadings and other documents and exchanged disclosure materials. It appears that all of the nine clients were aware of Mr. Beaver's ongoing involvement in their matters.

The Submissions of the Parties

10. The submission of LSA counsel was that, with the acknowledged guilt on the single citation, the conduct would call for a one-to-two-year suspension, but not a disbarment. Much of that decision had been influenced by the decision in *Law Society of Alberta v Green*, 2022 ABLS 20 (CanLII). That case involved a citation that was effectively the same as the case at hand but also included another citation that Mr. Green had breached solicitor-client privilege in sharing client information with a third party without client consent. Mr. Green was suspended for 12 months and ordered to pay costs prior to any application for reinstatement. That decision was upheld on appeal to a panel of the Benchers of the LSA.
11. Counsel for Mr. Lintz, Mr. Raponi, argued that allowing resignation under section 32 of the *Act* was appropriate considering a number of cited factors. These included the cooperation throughout by Mr. Lintz, the absence of any prior disciplinary record over a course of 40 years of practice, the small number of clients involved, the absence of the additional citation as in *Green*, and the full knowledge of the clients about the involvement of Mr. Beaver in their files. Mr. Raponi also referenced Mr. Lintz's medical condition, which had made it difficult for Mr. Lintz to carry on any sort of legal practice.

Analysis

12. LSA counsel supported Mr. Lintz's application for resignation, agreeing that his resignation pursuant to section 32 of the *Act* 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 brought the administration of justice into disrepute or was otherwise contrary to the public interest.
13. The issue to be determined by this Committee was whether it was in the best interests of the public to permit Mr. Lintz to resign pursuant to section 32, in the face of a serious unresolved conduct matter. Under the *Act*, 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 *Act*, the member's resignation amounts to a deemed disbarment. Under section 32 of the *Act*, the application is merely one of resignation.
14. 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.

15. The materials provided to the Committee evidenced a clear pattern of collaboration between Mr. Lintz and Mr. Beaver over a number of years whereby Mr. Lintz would perform certain services for clients that Mr. Beaver referred, but clearly at a time when both Mr. Lintz and the clients knew that Mr. Beaver was a disbarred member. The conduct involved some nine different clients, all of whom were clearly aware of the arrangements. There is absolutely no question Mr. Beaver was, through his arrangements with Mr. Lintz, providing legal services when he was not qualified or authorized to do so.
16. Although all the financial details were not available, since the Committee did not have the precise details of the arrangements between Mr. Beaver and the clients, it seemed a reasonable conclusion that both Mr. Beaver and Mr. Lintz were being directly or indirectly compensated by the clients involved.
17. Counsel for the LSA referred to the decision in *Law Society of Alberta v Clair*, 2020 ABLS 22 (CanLII), which also involved a lawyer at the end of his legal career with an unblemished 40-year record, who had made similar undertakings to the LSA, and where specific deterrence and rehabilitation were not in issue given a de facto retirement and stated undertaking not to practice or apply for re-instatement. Mr. Clair was allowed to proceed under section 32.
18. LSA counsel also referred to *Green*, which was not a resignation application, but a decision on sanction where the conduct bore some similarities to the present case in that it also involved a senior lawyer facilitating the practice of law by Mr. Beaver. Aggravating factors there included a larger number of files worked on, direct payments to Mr. Beaver for work done and paid from his personal account without T4 slips, inappropriate sharing of confidential information and advising one client not to cooperate with the LSA. Mitigating factors included full cooperation with the LSA, relatively minor consequences to Mr. Green's clients, Mr. Green's age and the tragic nature of some of Mr. Green's personal circumstances and health challenges. The LSA argued for a two-year suspension, but that hearing committee ordered a one-year suspension and a substantial costs award.
19. Finally, counsel for the LSA referred to *Law Society of Alberta v Wood*, 2019 ABLS 28 (CanLII), which again involved a senior member of the bar applying under section 32 in circumstances also mitigating against disbarment, full cooperation with the LSA, no prior

disciplinary record over a 30-year career and extensive and detailed medical evidence. That application was allowed.

Decision

20. The Committee finds that the Statement is in an acceptable form.
21. Based on the evidence established by the Statement, and taking into account that even if the citation had been proved, it would be unlikely that the conduct would attract disbarment, the Committee determined that it was in the best interests of the public to accept the application of Mr. Lintz to resign pursuant to section 32, effective as of March 12, 2024, the date of the confirmation by the Trust Safety department that the outstanding conditions (referenced in paragraph 4) were fulfilled by Mr. Lintz.
22. The Committee accepted the undertakings made by Mr. Lintz to the LSA.
23. The Committee reviewed and accepted the Estimated Statement of Costs as prepared by the LSA. The Committee orders that Mr. Lintz pay the costs of the hearing, in the amount of \$22,472.24, in full prior to any application to be relieved of the Undertaking to not re-apply for admission.
24. Pursuant to section 32(2) of the *Act*, Mr. Lintz's name is to be struck off the roll. The roll shall reflect that Mr. Lintz's application under section 32 of the *Act* was allowed on March 12, 2024.

Concluding Matters

25. The exhibits, other hearing materials, and this report will be available for public inspection, including the provision of copies of exhibits for a reasonable copy fee, except that identifying information in relation to persons other than Mr. Lintz and Mr. Beaver will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).
26. A Notice to the Profession will be issued.
27. A Notice to the Attorney General is not required.

Dated May 10, 2024.

Cal Johnson, KC

Bud Melnyk, KC

Louise Wasylenko