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 RONVERG MENDOZA
A MEMBER OF THE LAW SOCIETY OF ALBERTA

Hearing Committee
Kelsey Meyer – Chair
Troy Couillard – Adjudicator
Timothy Ford – Adjudicator

Appearances
Will Cascadden, KC – Counsel for the Law Society of Alberta (LSA)
Ronverg Mendoza – Self-represented (Not in attendance May 26, 2025)

Hearing Dates
May 26 and 30, 2025
July 24, 2025

Hearing Location
Virtual Hearing

HEARING COMMITTEE REPORT

Overview

1. Mr. Mendoza was admitted as a member of the LSA on October 2, 2020. His status with the LSA at the commencement of this hearing was Active/Practicing. He does not have a discipline record with the LSA. During the hearing, Mr. Mendoza was suspended on May 30, 2025 from the practice of law, as detailed further below.

2. On February 27, 2022, the LSA received a complaint from Ms. S about Mr. Mendoza. The LSA received a complaint on that same date from Ms. S's counsel regarding the same conduct. On January 7, 2023, the LSA received another complaint regarding Mr. Mendoza from Mr. W.

3. The following citations were directed to hearing by the Conduct Committee Panel on June 18, 2024:

Complaint 1

1. It is alleged that Ronverg Mendoza failed to provide competent, conscientious, and diligent services to his client and that such conduct is deserving of sanction.

2. It is alleged that Ronverg Mendoza failed to be candid with his client and that such conduct is deserving of sanction.

3. It is alleged that Ronverg Mendoza failed to be candid with the Court and that conduct is deserving of sanction.

4. It is alleged that Ronverg Mendoza failed to respond promptly and completely to communication from the Law Society and that such conduct is deserving of sanction.

Complaint 2

5. It is alleged that Ronverg Mendoza created and provided false emails to his client and that such conduct is deserving of sanction.

6. It is alleged that Ronverg Mendoza provided an Affidavit with a false Court stamp to his client and that such conduct is deserving of sanction.

7. It is alleged that Ronverg Mendoza failed to be candid with his client and that such conduct is deserving of sanction.

8. It is alleged that Ronverg Mendoza failed to provide competent, conscientious and diligent services to his client and that such conduct is deserving of sanction.

4. On May 26 and 30, 2025, the Hearing Committee (Committee) convened a hearing into the conduct of Mr. Mendoza, based on the above citations.

5. After reviewing all of the evidence and exhibits, and hearing the submissions of the LSA and Mr. Mendoza, for the reasons set out below, the Committee finds Mr. Mendoza guilty of conduct deserving sanction on both citations, pursuant to section 71 of the *Legal Profession Act* (*Act*).

6. The Committee also finds that, based on the facts of this case, the appropriate sanction is disbarment. In accordance with section 72 of the *Act*, the Committee orders that Mr. Mendoza is disbarred, effective immediately upon the conclusion of the hearing on July 24, 2025.

7. In addition, pursuant to section 72(2) of the *Act*, the Committee orders that Mr. Mendoza pay part of the costs of the proceedings before this Committee, in the amount of $12,000.00. Mr. Mendoza has six months from the date of this decision to pay the costs.

Preliminary Matters

Adjournment Requests

8. This hearing was originally scheduled for March 4 and 5, 2025. In or about February 2025, Mr. Mendoza retained legal counsel, and so the hearing was adjourned at Mr. Mendoza's request to May 26 and 30, 2025 to allow for Mr. Mendoza's counsel to get up to speed and attend the hearing. Mr. Mendoza was served with a Notice to Attend the rescheduled hearing by way of a notice dated February 18, 2025.

9. On May 14, 2025, Mr. Mendoza's legal counsel advised that he was no longer acting as counsel for Mr. Mendoza in the proceeding.

10. On May 22, 2025, in preparation for the hearing scheduled on May 26 and 30, 2025, Mr. Mendoza attended a virtual hearing testing session with LSA Tribunal Office staff.

11. Mr. Mendoza did not attend the hearing before the Committee on May 26, 2025. The Committee adjourned the hearing from 9 a.m. to 1 p.m. on that date and requested a wellness check on Mr. Mendoza. In response to efforts by the LSA investigator to conduct a wellness check on Mr. Mendoza, Mr. Mendoza contacted the LSA investigator at approximately 11:30 a.m. on May 26, 2025 and advised he would attend the hearing at 1 p.m. that day.

12. At approximately 12:15 p.m. on May 26, 2025, Mr. Mendoza's roommate contacted the LSA investigator and advised that Mr. Mendoza was at Urgent Care Services and "may have [a medical emergency]". Mr. Mendoza did not attend the hearing at 1 p.m. that day.

13. The Committee carefully considered the above information, submissions from LSA counsel, and the fact that the merits of the citations had been admitted by Mr. Mendoza pursuant to Admissions of Guilt and Admitted Facts dated December 20, 2024. The Committee determined to proceed with the "merits" portion of the hearing on May 26, 2025, and to then adjourn the "sanction" portion of the hearing to May 30, 2025 at 9 a.m. Email correspondence was sent to Mr. Mendoza to advise of the same.

14. 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. Mendoza's conduct proceeded.

15. As set out below, the Committee found Mr. Mendoza guilty of conduct deserving of sanction at the hearing on May 26, 2025. This was communicated to Mr. Mendoza on May 27, 2025. On May 29, 2025 Mr. Mendoza advised he would attend the continuation of the hearing on May 30, 2025 and that he may seek an adjournment at that time.

16. On May 30, 2025 upon the recommencement of the hearing, Mr. Mendoza requested an adjournment. With reference to paragraphs 119 and 123 of the LSA Pre-Hearing and

Hearing Guideline (Guideline), Mr. Mendoza acknowledged that the matter had been adjourned previously and that a further adjournment would increase costs associated with the hearing. He submitted that there would be no significant prejudice if an adjournment was granted, as there were no witnesses to give evidence at the hearing. He noted that the potential outcome of the hearing is significant. He advised that he intends to seek legal counsel, that he has approached his previous legal counsel to request his assistance, and that an adjournment would grant him a further opportunity to file materials and a Book of Authorities. He advised that after the hearing began on May 26, 2025, a medical emergency came up which he was dealing with and had dealt with.

17. In response, LSA counsel addressed the factors in paragraph 123 of the Guideline. He submitted that:

    a. contrary to Mr. Mendoza's submission, there is prejudice to the Committee, complainants, the public interest, and the LSA. He noted that adjourning the hearing and rescheduling it would, in turn, delay other matters from being scheduled;

    b. the timing of the adjournment request was "beyond the 11th hour", halfway through the hearing, and that Mr. Mendoza had been made aware weeks earlier that his legal counsel was withdrawing;

    c. both the pre-hearing conference chair and Mr. Cascadden had encouraged Mr. Mendoza repeatedly to obtain counsel, and Mr. Mendoza finally did so shortly before the originally-scheduled hearing on March 4 and 5, 2025. That hearing was adjourned because Mr. Mendoza's counsel was not available on those dates. LSA counsel noted the limited availability of Mr. Mendoza's previous counsel;

    d. the reason Mr. Mendoza's previous counsel withdrew from acting on Mr. Mendoza's behalf was because he had been unable to reach Mr. Mendoza to prepare for the hearing, was unable to obtain documents from Mr. Mendoza, and that counsel therefore felt he had no choice but to resign. Mr. Cascadden noted that the withdrawal of Mr. Mendoza's legal counsel was as a result of Mr. Mendoza's own failures, and that Mr. Mendoza should not be permitted to benefit from that;

    e. there had been no terms and conditions of the previous adjournment; if the Committee determined to adjourn the hearing, there should be terms and conditions which LSA counsel requested the opportunity to speak to;

    f. with respect to the public interest, LSA counsel noted the old adage that "justice delayed is justice denied";

g. with respect to costs, LSA counsel noted that the adjournment would lead to increased costs, as he would need to re-prepare for the rescheduled hearing, as would the Committee;

h. there were no witnesses to be called;

i. there was no evidence of any efforts to avoid the adjournment; and

j. the Committee had already made its determination of guilt.

18. In response to questions from the Committee, Mr. Mendoza advised that he was asking to adjourn the hearing to "the next available date" and that if legal counsel was not available to represent him on that date, he would represent himself.

19. The Committee considered the submissions of LSA counsel and of Mr. Mendoza, and of all of the factors set out in paragraph 123 of the Guideline, and denied the adjournment, with reasons to be provided in its written decision. The Committee accepted the submissions of LSA counsel regarding the factors set out in paragraph 123, all of which weigh against granting an adjournment, and all of which were considered with respect to the requirement for a fair hearing. In addition to that, the Committee also considered that Mr. Mendoza had been served with notice of the hearing, had attended the virtual pre-hearing test in advance of the hearing, had confirmed to the LSA investigator at approximately 11:30 a.m. on May 26, 2025 that he would attend the hearing at 1 p.m. that day and then failed to do so, that Mr. Mendoza had confirmed to LSA Tribunal counsel on May 29, 2025 that he would attend the hearing on May 30, 2025, that Mr. Mendoza had thus already had the opportunity, both before the hearing scheduled on March 4 and 5, 2025 and before the hearing scheduled on May 26 and 30, 2025, including in the weeks after his legal counsel withdrew, to file materials and authorities, and that Mr. Mendoza did not make an adjournment request in the weeks after his legal counsel withdrew until partway through the hearing on May 30, 2025.

20. The sanction portion of the hearing thus proceeded, with LSA counsel completing his submissions. LSA counsel's submissions are addressed in further detail below; the LSA sought disbarment of Mr. Mendoza.

21. Upon LSA counsel completing his submissions, Mr. Mendoza again requested an adjournment of the hearing. Mr. Mendoza advised that an additional reason why his legal counsel had withdrawn was because legal counsel required a further retainer to act on behalf of Mr. Mendoza. He also stated that he had [a medical emergency] on Monday May 26, 2025 and that he had been hospitalized that day. He advised, in response to questions from the Committee, that he had been admitted to the hospital on that date, and that he had been released from the hospital the same day. He again requested an adjournment to the next available hearing date. When asked by the Committee what Mendoza thought would be different at a rescheduled hearing, and what Mr. Mendoza intended to do if an adjournment was granted, he advised that he

wanted the opportunity to properly prepare, including in providing supporting evidence, putting forth authorities and proper submissions, and attempt to retain legal counsel. He admitted he had no good reason or excuse as to why he did not seek an adjournment after his lawyer had withdrawn. He said that he wanted a fair opportunity to prepare, considering the sanction sought by LSA counsel.

22. The Committee considered Mr. Mendoza's request. The Committee advised LSA counsel and Mr. Mendoza of the it's proposed decision on the adjournment request, including an interim suspension of Mr. Mendoza pursuant to section 63(3) of the *Act*, in consideration of Mr. Mendoza's advice that he had [a medical emergency] on May 26, 2025 and had been admitted to the hospital and released the same day. The Committee read out section 63(3) of the *Act* during the hearing, which states:

> 63(3) If a Hearing Committee is directed to deal with a member's conduct and considers it warranted in the circumstances to do so having regard to the nature of the conduct, the Hearing Committee, at any time after the direction is made and without prior notice or hearing, may order the suspension of the membership of the member pending the making of the Committee's decision under section 71(1) and, if the Committee finds the member guilty of conduct deserving of sanction, pending the making of the Committee's order under section 72.

23. The Committee then heard submissions from LSA counsel, and further submissions from Mr. Mendoza.

24. LSA counsel submitted that nothing had changed since Mr. Mendoza made his adjournment request at the outset of the hearing on May 26, 2025, except that Mr. Mendoza had now heard LSA counsel's submissions on sanction. There was no new reason for the adjournment request. He noted that Mr. Mendoza had said that morning that his medical issue had been resolved, that he was prepared to proceed, and that he "had no excuses." LSA counsel noted there had already been one adjournment. He noted there were a number of participants attending the hearing. He said he would have to re-make his submissions on sanction at a new hearing. He stated that if an adjournment was granted, thrown-away costs should be paid right away. He noted that the LSA receives critical feedback regarding not proceeding quickly, and so the tighter the timeline for any adjournment, the better.

25. The Committee noted that it perceived Mr. Mendoza's [medical emergency] and admission to the hospital on May 26, 2025 as new information. In response to questions from the Committee, LSA counsel noted that Mr. Mendoza had been released from the hospital the same day and was ready to proceed that morning.

26. Mr. Mendoza stated that he and his partner had advised the LSA investigator why he was in the hospital on May 26, 2025, and he had assumed that had been communicated to the Committee. He confirmed he had been aware that LSA counsel was seeking disbarment at the sanction hearing.

27. The Committee again carefully considered the submissions of Mr. Mendoza, LSA counsel, and sections 121 to 124 of the Guideline. It issued its decision on Mr. Mendoza's adjournment request as follows:

a. The Committee considers the primary considerations to be (i) protecting the public interest; (ii) ensuring public confidence in the legal profession; and (iii) procedural fairness. Regarding procedural fairness, the Committee noted that LSA counsel was seeking disbarment of Mr. Mendoza, which is the most serious possible sanction.

b. The Committee stated that whatever the result of the sanction hearing, the Committee must ensure it reaches that result by being eminently fair to Mr. Mendoza.

c. The Committee adjourned the hearing *sine die*, on the following conditions:

    i. Mr. Mendoza or his legal counsel must contact the LSA by June 13, 2025 to advise of their availability for a continuation of the hearing on July 17, July 21, the afternoon of July 22, the afternoon of July 23, or July 24, 2025;

    ii. Any legal counsel engaged by Mr. Mendoza to represent him at the continuation of the hearing must be available on those dates;

    iii. LSA staff will then schedule the continuation of the hearing, which will be peremptory on that date. The hearing will proceed with or without counsel present;

    iv. If the LSA does not hear from Mr. Mendoza or his counsel as to their availability by June 13, 2025, a date for the continuation of the hearing will be set on a peremptory basis;

    v. LSA counsel is to prepare a statement of thrown-away costs to provide to the Committee in advance of the rescheduled hearing.

d. The Committee advised LSA counsel that it would not re-hear his submissions at the continuation of the hearing; the Committee had heard the submissions of LSA counsel on May 26 and 30, 2025, has the Exhibit Book including the Statement of Admitted Facts and Documents admitted by Mr. Mendoza, will have the transcripts of the hearing on May 26 and 30, 2025 available to it at the continuation of the hearing, and assured LSA counsel that it will be familiar with all of the same at the continuation of the hearing.

e. With respect to LSA counsel's submission that the LSA receives critical feedback regarding not proceeding quickly, the Committee noted that the adjournment of

the hearing is for a reasonable time to allow Mr. Mendoza the opportunity to prepare and is not a lengthy adjournment. The Committee notes that the LSA would be equally criticized for rushing to judgment, particularly considering the seriousness of the sanction sought by the LSA against Mr. Mendoza.

f. The Committee granted an interim suspension of Mr. Mendoza as a member of the LSA pursuant to section 63(3) of the *Act*, to commence immediately and to continue until the hearing reconvenes before the Committee and the Committee issues its decision on sanction. It noted that in consideration of Mr. Mendoza's advice as part of his further request for an adjournment of his [medical emergency] and his admission to the hospital on May 26, 2025, the nature of Mr. Mendoza's conduct, and in order to protect the public interest and ensure public confidence in the legal profession, that the Committee considered it warranted in the circumstances to suspend the membership of Mr. Mendoza in the LSA.

LSA Request to Introduce New Evidence

28. By letter to the Committee dated July 3, 2025, LSA counsel advised that matters had come to the LSA's attention that LSA counsel submitted were "relevant to the mitigating and aggravating factors to be considered by the Hearing Committee when determining the appropriate sanction in this proceeding." LSA counsel advised that he would call one witness at the continuation of the hearing on July 24, 2025 and would enter seven new exhibits. The letter also outlined what the evidence to be presented to the Committee would demonstrate. LSA counsel concluded his letter stating "This evidence is not being provided in respect of the question of Mr. Mendoza's guilt in these proceedings or as proof of guilt of conduct deserving of sanction.

29. The Committee was advised that the LSA provided a copy of LSA counsel's letter and copies of the seven new proposed exhibits to Mr. Mendoza.

30. The Committee considered LSA counsel's letter and communicated the following decision to the parties on July 18, 2025:

> The Hearing Committee has considered Mr. Cascadden's July 3, 2025 letter. To confirm, we have not received or reviewed any of the LSA's proposed Exhibits 10 to 16 that Mr. Cascadden has proposed to enter through [JD] as a witness at the continuation of the hearing of LSA Matter HE20240176 in relation to Ronverg Mendoza (the "Hearing"), scheduled to be heard on July 24, 2025.
>
> The "merits" phase of the Hearing has already concluded. Any consideration of the further evidence Mr. Cascadden has requested to put forth would require consideration and a determination of the merits of the conduct complained of in Mr. Cascadden's letter. In the circumstances where the "merits"

phase of the Hearing has already concluded, the Hearing Committee is not willing to deal with the conduct addressed in Mr. Cascadden's letter and so declines to hear further evidence in that regard. With regard to section 65 of the *Legal Profession Act*, we write to advise all parties to the Hearing that the Hearing Committee does not intend to deal with the conduct addressed in Mr. Cascadden's letter.

31. LSA counsel responded via email on July 18, 2025 to refute the Committee's decision. The Committee advised via email on July 22, 2025 that its position was unchanged and that it would confirm so at the start of the hearing on the record on July 24, 2025.

32. At the commencement of the continuation of the hearing on July 24, 2025, the Committee confirmed its decision not to allow the new evidence requested by LSA counsel, and advised that it would further set out the reasons for its decision in its written reasons for decision upon the conclusion of the hearing. LSA counsel again asserted his disagreement with the Committee's decision. The Committee noted LSA counsel's objection.

33. Further to the reasons for the Committee's determination as set out in the email to the parties on July 18, 2025:

    a. LSA counsel's outline of the new evidence he proposed to put before the Committee clearly related to further conduct of Mr. Mendoza, some of which occurred after May 30, 2025, but much of which occurred before that date (Further Conduct). Any consideration of the Further Conduct with regard to sanction (as LSA counsel intended) necessarily required consideration of whether LSA counsel had proven, on a balance of probabilities, that the Further Conduct had occurred, before the Further Conduct could be considered in relation to sanction;

    b. The merits portion of the hearing had concluded on May 30, 2025, and LSA counsel had concluded his evidence and submissions on the sanction portion of the hearing on May 30, 2025;

    c. The Further Conduct was not directly related to the conduct of Mr. Mendoza that was the subject of the within hearing, and could form the basis for a separate complaint to the LSA against Mr. Mendoza;

    d. Section 65(b) of the *Act* permits a Hearing Committee at any time during a hearing before it to deal with any other conduct of the member that arises in the course of the hearing, but in that case, the Committee shall declare its intention to deal with the other conduct and permit the member sufficient opportunity to prepare the member's answer respecting the other conduct;

e. In the circumstances where the Committee had already granted an interim suspension of Mr. Mendoza pursuant to section 63(3) of the *Act*, which interim suspension was to continue until the hearing reconvened before the Committee and the Committee issued its decision on sanction, it was incumbent upon the Committee to proceed to issue its decision on sanction without delay.

Agreed Statement of Facts/Background

34. Mr. Mendoza admitted as facts the statements set out in a Notice to Admit Facts served upon him by email on December 13, 2024, a copy of which was provided to the Committee.

35. Specifically, Mr. Mendoza admits, with respect to the citations under Complaint 1 that he failed to:

    a. provide competent, conscientious, and diligent services to his client and that such conduct is deserving of sanction;

    b. be candid with his client and that such conduct is deserving of sanction;

    c. be candid with the Court and that conduct is deserving of sanction;

    d. respond promptly and completely to communication from the LSA and that such conduct is deserving of sanction.

36. With respect to the citations under Complaint 2, Mr. Mendoza admits that he:

    a. created and provided false emails to his client and that such conduct is deserving of sanction;

    b. provided an Affidavit with a false Court stamp to his client and that such conduct is deserving of sanction;

    c. failed to be candid with his client and that such conduct is deserving of sanction;

    d. failed to provide competent, conscientious and diligent services to his client and that such conduct is deserving of sanction.

Complaint 1

37. On February 9, 2021, Ms. S retained Mr. Mendoza to represent her in a divorce proceeding, which included the division of matrimonial property. Ms. S owned two residential rental properties in Calgary (Properties). Ms. S's English is limited and as such, she signed a retainer agreement on February 21, 2021 in which she agreed that she and both her adult children, JS and SI, would communicate with Mr. Mendoza and be kept up to date by him.

38. On June 11, 2021, the Court of King's Bench of Alberta (Court) granted an order (First Order) directing Ms. S to provide her spouse, Mr. S, with half the net rental revenue received for the Properties since August 1, 2020, and to provide a full accounting of rental revenue within 30 days.

39. On August 11, 2021, Mr. Mendoza and counsel for Mr. S attended an Early Intervention Case Conference at the Court, where they agreed to a Litigation Plan governing the division of the Properties and directing the following timelines:

    a. on or before September 10, 2021, Ms. S will advise Mr. S if she intends to keep the Properties, failing which the Properties will be listed for sale immediately;

    b. the parties will serve their Affidavit of Records before September 15, 2021;

    c. Ms. S will complete questioning of Mr. S before September 30, 2021; and

    d. an Alternative Dispute Resolution process must be scheduled by November 15, 2021, and completed by March 11, 2022.

40. Mr. Mendoza did not make Ms. S or her children aware of the specific timelines set out in the Litigation Plan.

41. On September 10, 2021, Mr. Mendoza emailed Ms. S and her children to request certain financial information. In that email, Mr. Mendoza also asked Ms. S to advise whether she intended to keep the Properties. Ms. S's daughter responded to Mr. Mendoza and provided the requested additional financial information, but did not respond to Mr. Mendoza's query regarding the sale of the Properties.

42. Mr. Mendoza's email of September 10, 2021 was the last communication that he had directly with Ms. S. All subsequent communications were with Ms. S's children.

43. On September 16, 2021, counsel for Mr. S provided Mr. Mendoza with Mr. S's Affidavit of Records. Mr. Mendoza responded with a representation that he would provide Ms. S's Affidavit of Records by that afternoon.

44. Mr. Mendoza did not serve Ms. S's Affidavit of Records as required by the Litigation Plan or at all.

45. Questioning of the parties was scheduled for September 27, 2021. On September 24, 2021, counsel for Mr. S wrote to Mr. Mendoza to advise that he was cancelling questioning due to Mr. Mendoza's failure to comply with the Litigation Plan. Counsel for Mr. S further advised that if the balance of the Litigation Plan requirements were not complied with, he would bring an application to have Ms. S held in contempt of court.

46. Mr. Mendoza did not at any time inform Ms. S that questioning had been scheduled and then cancelled.

47. On October 19, 2021, an agent for counsel for Mr. S (Agent) appeared in Family Docket Court in order to apply to have Ms. S held in contempt of court for her failure to comply with the First Order and the Litigation Plan. The contempt application was adjourned to morning Chambers on November 16, 2021.

48. Mr. Mendoza did not advise Ms. S. of the October 19, 2021 Court appearance.

49. On November 16, 2021, Mr. Mendoza and the Agent appeared before the Court to argue the contempt of court application. Ms. S was not present. The outcome of the contempt application was an order (Second Order) directing *inter alia* the following:

    a. Ms. S will provide backup documentation and proof of deposits with respect to rental revenue from the Properties by no later than November 30, 2021, failing which Ms. S must appear in Court on December 9, 2021 in person with her counsel to show cause why she should not be held in contempt of court;

    b. the Properties will be listed for sale before December 3, 2021;

    c. Ms. S will produce her Affidavit of Records by November 26, 2021;

    d. questioning of the parties will take place by no later than December 15, 2021; and

    e. Ms. S will pay costs of $2,000.00.

50. When issuing the Second Order, the Court specifically advised Mr. Mendoza of the importance of ensuring that Ms. S attends the December 9, 2021 court appearance. Mr. Mendoza confirmed to the Court that he would share with Ms. S the seriousness of a finding of civil contempt and the powers of the Court on a civil contempt.

51. Mr. Mendoza did not advise Ms. S of the November 16, 2021 court appearance or of the Second Order.

52. Mr. Mendoza communicated with Ms. S's children by email in November and December 2021, but he did not reference the Second Order or the two November Court appearances in those communications.

53. Mr. Mendoza did not prepare Ms. S's Affidavit of Records prior to the November 26, 2021 deadline set out in the Second Order.

54. Questioning of Ms. S was scheduled for December 8, 2021. On November 30, 2021, counsel for Mr. S wrote to Mr. Mendoza to advise that he was once again cancelling the questioning, due to his failure to comply with the Second Order.

55. Mr. Mendoza attended the December 9, 2021 Court appearance, pursuant to the Second Order. He advised the Court that he had been unable to communicate with

Ms. S, and he requested an adjournment. The Court refused Mr. Mendoza's request and found Ms. S to be in contempt of Court. The Court then directed the following (Third Order):

a. the Properties will be sold without requiring Ms. S's consent;

b. Ms. S will, by January 28, 2022:

   i. provide half the net rental revenue from the Properties, and full accounting for all rental revenue received including an explanation as to how the revenue funds have been spent;

   ii. provide her Affidavit of Records; and

   iii. comply with the realtor chosen by Mr. S to allow access to the Properties;

   failing which she will appear in Court in person on February 3, 2022 and show cause why she should not be held in further contempt and put in jail; and

c. Ms. S will pay costs previously awarded in the amount of $2,000.00, plus $2,500.00 for the December 9, 2021 court appearance.

56. In rendering its decision, the Court specifically advised Mr. Mendoza of the importance of informing Ms. S as to how important it is that she attends the February 3, 2022 court appearance:

> THE COURT: Mr. Mendoza, please make it clear to your client the Court has been jacked around too long by your client. It is not going to continue, and I will put her in goal [sic].
>
> MR. MENDOZA: I will speak with her. Thank you, Sir.

57. Mr. Mendoza did not advise Ms. S or her children of the December 9, 2021 Court appearance or the Third Order resulting from it.

58. On December 11, 2021, Ms. S's daughter emailed Mr. Mendoza to advise that Ms. S's son had received a call from a realtor advising that the Court had authorized him to sell the Properties. Mr. Mendoza responded and asked for the name of the realtor so he can "work out what is happening…". There was no further communication from Mr. Mendoza regarding this issue.

59. Ms. S first learned of the Third Order when she was contacted by Mr. S's realtor. On January 16, 2022, the realtor sent Ms. S a copy of the unfiled Third Order and the listing agreements for the Properties, including a request for Ms. S's signature.

60. When Ms. S and her children raised the matter with Mr. Mendoza, he claimed not to know anything about the Third Order and he indicated he would bring an emergency application to rectify the matter. Mr. Mendoza prepared an affidavit for Ms. S to swear in support of that application, and Mr. Mendoza provided Ms. S with a draft of the same on January 24, 2022. Mr. Mendoza neither filed Ms. S's affidavit nor brought an application.

61. On January 27, 2022, Ms. S's daughter emailed Mr. Mendoza to thank him for filing the affidavit (which had not been filed) and to ask questions about the Third Order, including the risk of a warrant being issued for Ms. S's arrest if she did not appear in Court on February 3, 2022, given that she was in California at the time. Mr. Mendoza emailed a response to Ms. S's daughter that apologized for missing her call and indicated Mr. Mendoza would email a response to Ms. S's daughter's questions. Mr. Mendoza did not email a response to Ms. S's daughter's questions.

62. Mr. Mendoza provided Ms. S's children with the link for the February 3, 2022 virtual Court appearance. When Ms. S's children appeared in Court that day, Mr. Mendoza was not in attendance. Ms. S's children were told by the Court clerk that the matter had been heard the day before. They also learned for the first time that a pre-trial conference was scheduled for March 22, 2022.

63. Ms. S's son emailed Mr. Mendoza to ask for an explanation, stressing the urgency of the matter, and advising that they had not been able to contact him all morning.

64. Mr. Mendoza responded by email the following day, stating that he had been hospitalized the day before. In a subsequent email, he advised that he contacted the Court clerks and learned that the Court has mistakenly scheduled the February 3, 2022 appearance for February 2, 2022, at which no one appeared, and the matter was struck. He explained that this meant there was no arrest warrant because there was no hearing, and that everything is on "hold" until another hearing is booked.

65. Opposing counsel applied to have the matter returned to Court, for which Ms. S retained new counsel, Mr. C. Mr. C obtained and reviewed the transcripts from the Court appearances on November 16, 17 and December 9, 2021. Only at that point did Ms. S learn that Mr. Mendoza had appeared in Court on those dates.

66. Mr. Mendoza was interviewed by a LSA investigator on February 6, 2022, as part of the investigation into the S Complaint.

67. During his LSA interview, Mr. Mendoza stated that by the fall of 2021, he had lost control of the file. Ms. S's file was the first time Mr. Mendoza had dealt with a contentious family matter. Mr. Mendoza acknowledged that he should have spoken with another lawyer or communicated to his client that the matter was beyond his expertise.

68. Mr. Mendoza admitted to the following during his LSA interview:

a. he failed to communicate properly with Ms. S and her children;

b. he failed to follow up with his clients or to at least disclose what he did have;

c. he failed to inform Ms. S and her children of the November and December 2021 Court appearances and the resulting orders;

d. he failed to advise of the questioning scheduled for December 8, 2021;

e. he misled the Court when he advised that his client understood that she could be arrested;

f. he failed to be candid with Ms. S; and

g. he failed to serve Ms. S.

69. Mr. Mendoza explained that he was aware of the February 3, 2022 Court date, but the pressure and stress of the matter had built up to a point where he went to the hospital following a [medical emergency].

Complaint 2

70. Mr. Mendoza was appointed by Legal Aid to represent Mr. W in several family law matters from 2019 to 2022, including seeking parenting time with his youngest daughter. Mr. Mendoza was a student-at-law [S Law] when he first began working with Mr. W. Following his call to the bar in October 2020, Mr. Mendoza continued to represent Mr. W.

71. On October 13, 2021, Mr. Mendoza attended a Family Docket Court appearance during which the Court did not grant Mr. W parenting time with Mr. W's youngest daughter. The Court granted Mr. Mendoza leave to schedule a one-day *viva voce* trial to present his argument in support of Mr. W's application for parenting time. The endorsement from that appearance directed Mr. Mendoza to draft a Court order appointing children's counsel and to provide that order to Legal Aid.

72. Despite receiving available trial dates from the Court on October 27, 2021, Mr. Mendoza took no steps to schedule the trial.

73. By February 2022, Mr. W became increasingly upset when the matter had not been scheduled. Mr. Mendoza advised Mr. W that he was "taking immediate steps to secure the earliest available trial date."

74. On February 17, 2022, Mr. Mendoza submitted a form to the Court requesting available trial dates. The Court responded to Mr. Mendoza the following day with dates available in September, October and December 2022. Mr. Mendoza took no steps to schedule the trial.

75. Mr. W continued to press Mr. Mendoza to confirm the trial date, and emailed Mr. Mendoza on June 22, 2022 requesting a meeting with the managing partner of [S Law].

76. That same day, Mr. Mendoza provided Mr. W with an email fabricated by Mr. Mendoza, purportedly from a Court email address "RemoteHearings.QB@albertacourts.ca" indicating that a Webex hearing was scheduled for August 10, 2022 at 9 am. The fabricated email contained false information, as no hearing had been scheduled by the Court on Mr. W's matter.

77. Mr. Mendoza drafted an affidavit that Mr. W swore on July 11, 2022, despite the affidavit incorrectly stating it was sworn on July 7, 2022. Upon his request, Mr. Mendoza provided Mr. W with a copy of the affidavit purporting to show it was stamped and filed by the Court on July 12, 2022.

78. A Court Procedure Record verified that the affidavit of Mr. W was never filed in Mr. W's matter. Mr. Mendoza had falsified the Court stamp and filing date on the affidavit of Mr. W.

79. On August 10, 2022, Mr. Mendoza provided Mr. W with an email fabricated by Mr. Mendoza, purportedly from the "RemoteHearings" Court email address indicating that the Webex appearance scheduled for August 10, 2022 had been re-assigned to September 9, 2022 at 10 am due to judicial resources.

80. Mr. Mendoza told Mr. W he would contact the Court clerk to find out what that meant and subsequently told him that the matter was adjourned because the Court had been unable to assign a judge in time.

81. On August 22, 2022, Legal Aid issued a Certificate appointing Mr. Mendoza to act for Mr. W on the one-day *viva voce* trial.

82. On September 9, 2022, Mr. Mendoza provided Mr. W with an email fabricated by Mr. Mendoza, purportedly from the "RemoteHearings" Court email address, indicating that the Webex appearance scheduled for September 9, 2022 had been adjourned and directed to be heard in person at the next available date. Not only did Mr. Mendoza provide a fabricated email to Mr. W, but he further provided false information to Mr. W by stating to him that he was confused about the adjournment, that he was going to reach out to other family lawyers to see if this had happened to them, and to determine his next steps to get the matter on the docket as soon as possible.

83. On September 14, 2022, Mr. W emailed the Case Conference Coordinator at the Court several times, attaching the emails and affidavit he had been provided by Mr. Mendoza, enquiring why his matter had been adjourned three times. The Family Trial Court Coordinator responded saying that an oral hearing had never been booked.

84. On September 19, 2022, the Manager of Court Coordination emailed Mr. Mendoza, advising that Mr. W had been harassing Court staff, advised that the Court had no record of the affidavit purported to be filed on July 12, 2022 or the two remote hearing emails, and requested information from Mr. Mendoza regarding those documents. Mr. Mendoza did not respond to the Manager of Court Coordination's email or to a follow-up email of September 28, 2022.

85. On September 23, 2022, Mr. Mendoza provided Mr. W with an email fabricated by Mr. Mendoza, purportedly from "CaseConferenceCoordinator.QBCalgary@albertacourts.ca" indicating that an in-person trial was scheduled for October 28, 2022 at 10 am.

86. On September 26, 2022, Mr. Mendoza told Mr. W he had spoken with a Court clerk and had been assured that the trial would take place but would also be speaking with the Case Conference Coordinator about that matter.

87. On September 28, 2022, Mr. W emailed the Case Conference Coordinator asking for confirmation of the October 28, 2022 date. The Family Trial Court Coordinator responded to Mr. W by email and confirmed that nothing had been booked on the matter and that she would not respond to any further emails from Mr. W.

88. On September 30, 2022, Mr. Mendoza and Mr. W met in person, following which Mr. Mendoza sent Mr. W an email confirming their discussion, and the steps Mr. Mendoza would be taking, including following up with the Court to seek assurance that the October 28, 2022 trial would proceed.

89. On October 4, 2022, Mr. Mendoza provided Mr. W with an email fabricated by Mr. Mendoza, purportedly from the "CaseConferenceCoordinator" email address, indicating that the October 28, 2022 in-person hearing was proceeding.

90. Mr. Mendoza also provided Mr. W with a copy of an email Mr. Mendoza purportedly sent to Mr. W's ex-wife on October 3, 2022, where he attached a copy of Mr. W's affidavit and confirmation of the October 28, 2022 trial. It is unclear if any fictitious or fabricated information was included in Mr. Mendoza's email to Mr. W's ex-wife. Mr. Mendoza then altered the email he had sent to Mr. W's ex-wife and forwarded the altered email to Mr. W. Mr. Mendoza never informed Mr. W's ex-wife of the purported October 28, 2022 trial.

91. In mid-October, Mr. W asked Mr. Mendoza whether Legal Aid had appointed child's counsel for Mr. W's daughter. Mr. Mendoza responded stating he had spoken with Legal Aid and was informed that child's counsel would be assigned "no later than early next week prior to the trial date."

92. On October 27, 2022, Mr. Mendoza informed Mr. W that Legal Aid was unable to appoint counsel for Mr. W's daughter in time for the hearing due to a strike. In fact, Mr. Mendoza had never spoken with Legal Aid about counsel for Mr. W's daughter.

93. Mr. W attended at the Court house on October 28, 2022 and was unable to locate his matter on the docket list. He texted Mr. Mendoza; Mr. Mendoza responded that there was no trial that day, that Mr. Mendoza would "face the consequences", that he had "no excuses" and that he would end his life that day. Mr. W contacted Mr. Mendoza's law firm and the police and requested a wellness check for Mr. Mendoza.

94. Mr. W also emailed the Court, and his email was forwarded to the Executive Legal Counsel, Director – Communications, who responded to Mr. W, stating that a review of the records indicated that no hearing in his matter had been scheduled since the October 2021 direction of the Court.

95. Mr. Mendoza admitted the following:

    a. he did not have the proper experience to deal with Mr. W or his file, and in hindsight, he should have passed the matter on to another lawyer;

    b. he never booked a trial date for Mr. W's matter;

    c. many of the emails he sent to Mr. W purporting to be from the Court were fictitious and fabricated by Mr. Mendoza using templates from a previous booking on a separate matter;

    d. the affidavit of Mr. W was never filed;

    e. he took a Court stamp from another affidavit he had filed and copied it onto Mr. W's affidavit, to make it look like the affidavit had been filed;

    f. the email that Mr. Mendoza sent to Mr. W forwarding a copy of the October 4, 2022 email sent to Mr. W's ex-wife, which purported to notify her of the October 28, 2022 hearing date, was false;

    g. he did not tell Mr. W's ex-wife that a hearing had been scheduled for October 28, 2022; and

    h. he told Mr. W that he had spoken with Legal Aid about arranging for counsel for Mr. W's daughter, but Mr. Mendoza did not do so.

Submissions of the LSA

96. Counsel for the LSA argued that Mr. Mendoza should be disbarred pursuant to section 72(1)(a) of the *Act*. He reviewed the Statement of Admitted Facts admitted by Mr. Mendoza in detail. He noted that the admitted facts demonstrated planning and a scheme of dishonesty, and characterized it as "an ongoing web of deceit." He noted that Mr. Mendoza admitted to 36 separate breaches of his professional obligations, 23 instances of lying, and fabricating at least 7 false documents. LSA counsel noted that while Mr. Mendoza had no previous discipline record, the conduct admitted had begun

while Mr. Mendoza was an articling student and continued throughout his career until the complaints were made. LSA counsel submitted that the only mitigating factor in Mr. Mendoza's case is his admissions of guilt.

97. LSA counsel reviewed the authorities included in his Book of Authorities submitted to the Committee, the salient portions of which are summarized in the Committee's Analysis and Decision on Sanction, below, and made submissions regarding the facts of those cases compared with that of Mr. Mendoza.

Submissions of Mr. Mendoza

98. Mr. Mendoza made submissions with respect to sanction at the continuation of the hearing on July 24, 2025. He submitted that a suspension of 18 to 24 months was in line with the cases presented by LSA counsel. He advised that he was "incredibly remorseful" for his conduct. He noted that he apologized to Mr. W and Ms. S for his conduct. He noted that he was a junior lawyer at the time of the conduct, that he admitted guilt at a relatively early stage, that he cooperated with the LSA, that he has taken steps to address his conduct, and that he was prepared to accept responsibility for his actions. Mr. Mendoza did not put forth any authorities.

99. When asked which case or cases Mr. Mendoza was referring to when he submitted that a suspension of 18 to 24 months was in line with the cases presented by LSA counsel, Mr. Mendoza referenced *Law Society of Alberta v Mawson*, 2019 ABLS 22 [*Mawson*], where Mr. Mawson was suspended for 20 months (as is summarized in the Committee's Analysis and Decision on Sanction, below). Mr. Mendoza confirmed that this was the only case he was referring to.

Reply Submissions of LSA Counsel

100. LSA counsel noted that the cases he presented to the Committee all resulted in disbarment, except the *Mawson* decision. He noted that *Mawson* is distinguishable, because in that case, Mr. Mawson had been suffering from a serious mental illness, and led significant evidence (including expert evidence) in that regard and on his treatment for the same, as well as expert opinion evidence that Mr. Mawson was unlikely to reoffend.

101. In the *Mawson* case, the LSA's practice management program had also provided a "glowing endorsement" of Mr. Mawson, after Mr. Mawson worked through that program.

102. LSA counsel noted that by contrast, in the present case, Mr. Mendoza said he had worked with the LSA's practice management program and that he had undertaken steps to address his conduct, but no evidence was tendered as to what those steps were.

103. LSA counsel submitted that Mr. Mendoza's case was on all fours with the cases he had cited where the member had been disbarred. He submitted that disbarment was

necessary in this case for the protection of the public. He submitted that Mr. Mendoza's conduct was egregious, calculated, and ongoing, and that the only appropriate sanction is disbarment.

104. In response to Mr. Mendoza's submissions suggesting that his status as a junior lawyer was a mitigating factor, LSA counsel noted that a member's junior status is only a mitigating factor if the impugned conduct is due to a lack of knowledge or professional courtesy resulting from a lack of experience. That is not what happened here. In this case, seniority has no bearing upon the conduct complained of.

Analysis and Decision on Conduct

Legislation, Rules, Guidelines

105. The Committee finds that each of the citations against Mr. Mendoza have been proven on a balance of probabilities and that Mr. Mendoza's conduct is deserving of sanction.

106. Specifically, Mr. Mendoza made admissions of fact and of guilt as set out above, pursuant to the Admissions of Guilt and Admitted Facts dated December 20, 2024 marked as Exhibit 8 at the hearing before the Committee (Admissions). Those Admissions include admissions of his conduct and that such conduct is deserving of sanction.

107. Section 60 of the *Act* requires that this Committee determine whether the Admissions are in an acceptable form. In accordance with paragraph 47 of the Guideline, to be in an acceptable form, an admission must:

a. include the facts necessary to support a finding of guilt on the essential elements of the citation;

b. include the lawyer's confirmation that the lawyer:

i. is making the admission freely and voluntarily,

ii. unequivocally admits guilt to the essential elements of the citations describing the conduct deserving of sanction,

iii. understands the nature and consequences of the admission, and

iv. understands that if there is a joint submission on sanction, while the hearing committee will show deference to it, the hearing committee is not bound by any joint submission, and

c. be signed by the lawyer.

108. The Committee is of the view that the Admissions are in an acceptable form.

109. As a result, pursuant to section 60(4) of the *Act*, the Admissions are deemed for all purposes to be a finding of the Committee that the conduct of Mr. Mendoza is conduct deserving of sanction.

Analysis and Decision on Sanction

Legislation

110. Pursuant to section 72(1) of the *Act*, if a hearing committee finds that a member is guilty of conduct deserving of sanction, the hearing committee shall either:

a. order that the member be disbarred;

b. order that the membership of the member be suspended during the period prescribed by the order; or

c. order that the member be reprimanded.

111. Section 72(2) of the *Act* also authorizes the hearing committee to, *inter alia*, impose conditions upon the member, order that the member pay a penalty, and order payment to the LSA of all or part of the costs of the proceedings within the time prescribed by the order.

Jurisprudence and Analysis

112. The Committee notes the following decisions provide guidance as to the appropriate sanction in this case. As noted above, LSA counsel reviewed these decisions in detail during his submissions regarding sanction.

113. The often-cited decision of the English Court of Appeal in *Bolton v The Law Society*, [1993] EWCA Civ 32, provides considerable guidance regarding the importance of honesty by a member of the legal profession, stating as follows at paragraphs 13-14:

> It is required of lawyers practicing in this country that they should discharge their professional duties with integrity, probity and complete trustworthiness – that requirement applies as much to barristers as it does to solicitors. …
>
> Any solicitor who is shown to have discharged his professional duties with anything less than complete integrity, probity and trustworthiness must expect severe sanctions to be imposed upon him by the Solicitors Disciplinary Tribunal. Lapses from the required high standard may, of course, take different forms and be of varying degrees. The most serious involves proven dishonesty, whether or not leading to criminal proceedings and criminal penalties. In such cases the

Tribunal has almost invariably, no matter how strong the mitigation advanced for the solicitor, ordered that he be struck off the Roll of Solicitors.

114. The Court of Appeal went on to address the three reasons for orders which "might otherwise seem harsh". In some cases, there is a punitive element. In most cases, the purposes are to ensure the offender does not have the opportunity to repeat the offence, and, most fundamental of all, "to maintain the reputation of the solicitors' profession as one in which every member, of whatever standing, may be trusted to the ends of the earth. To maintain this reputation and sustain public confidence in the integrity of the profession it is often necessary that those guilty of serious lapses are not only expelled but denied re-admission."[1]

115. In the Resignation Committee Report issued by the LSA on June 25, 2012 in relation to the matter of the resignation of EB (Unreported). EB was a 51-year-old lawyer who had been practicing for 20 years, with no history of discipline. EB proceeded to trial without giving notice of the trial to his client and without calling witnesses, resulting in a substantial monetary judgment against his client, which EB did not inform his client of. He then repeated substantially the same conduct with another client. The client became aware of EB's conduct on the eve of a contempt order being granted against the client. As the LSA disciplinary hearing approached, EB applied to resign pursuant to section 61 of the *Act*, which, per section 1 of the *Act*, constitutes a disbarment. The LSA resignation committee approved the resignation.

116. The conduct of EB is akin to that of Mr. Mendoza, in that it exhibited planned, ongoing dishonesty and deceit by EB, over a lengthy period of time.

117. In *Mawson*, *supra*, Mr. Mawson failed to file pleadings by an agreed deadline, failed to contact clients for long periods of time or to respond to their inquiries, failed to seek instructions from clients, failed to provide important documents to clients, including court application documents and a formal offer to settle, failed to follow up, failed to properly address and schedule questioning, failed to consider the need for opposing evidence or cross-examination, failed to follow up on a potential appeal, failed to attend court, failed to properly address enforcement proceedings, failed to advise clients of court decisions and adverse litigation developments, repeatedly failed to respond to opposing counsel, failed to move litigation forward, failed to advise clients, failed to respond to the LSA, failed to follow LSA accounting rules, and failure to be candid with clients and opposing counsel. This included repeated instances of outright dishonesty, including with opposing counsel, and the fabrication of multiple letters placed on Mr. Mawson's client correspondence file to make it appear that he had communicated with clients or opposing counsel, when in fact he had not done so.[2] In that case, a joint submission for a 20-month suspension was accepted by the LSA, due to significant mitigating factors:

[1] *Bolton v The Law Society*, [1993] EWCA Civ 32 at paragraph 15.
[2] *Law Society v Mawson*, 2019 ABLS 22 at paragraphs 4-7.

a. a medical issue which had contributed to Mr. Mawson's conduct had been addressed by Mr. Mawson; the LSA accepted that Mr. Mawson was unlikely to reoffend;

b. Mr. Mawson admitted guilt;

c. Mr. Mawson had participated in the LSA's practice management program, the outcome of which was very positive.

118. In *Law Society of Alberta v Virk*, 2021 ABLS 16, there were multiple instances of dishonesty by Mr. Virk. Mr. Virk acted in a conflict of interest, repeatedly denied involvement with adverse parties giving rise to a potential conflict of interest, and failed to be candid. Mr. Virk put forth medical evidence, completed a practice management program, undertook to get help from other lawyers, and provided positive references. Despite that, considering the extensive nature of his misconduct, he was disbarred.

119. The decision in *Virk* follows a decision of the Alberta Court of Appeal in *Adams v. Law Society of Alberta*, 2000 ABCA 240, which states as follows:

> A professional misconduct hearing involves not only the individual and all the factors that relate to that individual, both favourably and unfavourably, but also the effect of the individual's misconduct on both the individual client and generally on the profession in question. This public dimension is of critical significance to the mandate of professional disciplinary bodies.
>
> …
>
> While it may be difficult to measure with precision the harm that a lawyer's misconduct may have on the reputation of the profession, there can be little doubt that public confidence in the administration of justice and trust in the legal profession will be eroded by disreputable conduct of an individual lawyer.
>
> It is therefore erroneous to suggest that in professional disciplinary matters, the range of sanctions may be compared to penal sentences and to suggest that only the most serious misconduct by the most serious offenders warrants disbarment. Indeed, that proposition has been rejected in criminal cases for the same reasons it should be rejected here. It will always be possible to find someone whose circumstances and conduct are more egregious than the case under consideration. Disbarment is but one disciplinary option available from a range of sanctions and as such, it is not reserved for only the very worst conduct engaged in by the very worst lawyers.[3]

[3] *Adams v Law Society of Alberta*, 2000 ABCA 240 at paragraphs 6, 10-11, in *Virk, supra* at paragraphs 132, 134.

120. The LSA's decision in *Law Society of Alberta v. Clarence Ewasiuk*, 2012 ABLS 16, includes a summary of the jurisprudence on dishonesty and misrepresentations in the context of disciplinary proceedings at that time. The case references *Law Society of New Brunswick v. Ryan*, 2003 SCC 20. There, Mr. Ryan did nothing for over five years to advance his client's claims. He spun an elaborate web of deceit, forged a court decision which he provided to his client, and exhibited considerable dishonesty. While he testified that he had medical issues, he did not address those issues through medical or therapeutic intervention. The Supreme Court of Canada confirmed the penalty of disbarment, noting that "when the duration of Mr. Ryan's deceit was considered against the backdrop of his previous disciplinary record, it was clear that his honesty, trustworthiness, and fitness as a lawyer were irreparably compromised."[4]

121. The decision in *Ryan* involves circumstances similar to the conduct of Mr. Mendoza. While Mr. Ryan had a significant disciplinary record, Mr. Mendoza's conduct deserving of sanction began as an articling student, resulting in at least 36 separate breaches of his professional obligations committed during his articles and his first year of practice as a lawyer. In those circumstances, the finding of the LSA in *Ewasiuk* applies:

> We find that it is in the public interest that Mr. Ewasiuk be deterred from having any opportunity to again commit egregious breaches of professional ethics. We find that it is in the interests of the legal profession to send the clearest possible message that deceit is unacceptable: ever: in any circumstances.[5]

The Committee's Decision on Sanction

122. The Committee finds that the case law referenced by LSA counsel overwhelmingly supports a sanction of disbarment of Mr. Mendoza.

123. The only exception to that is the decision in *Mawson, supra*, which the Committee finds is distinguishable from Mr. Mendoza's case. Specifically, Mr. Mawson had been suffering from a serious mental illness and led significant evidence, including expert evidence in that regard and on his treatment for the same, as well as expert opinion evidence that Mr. Mawson was unlikely to reoffend. Mr. Mawson, for the most part, misled an LSA investigator, not clients. The LSA's practice management program also endorsed Mr. Mawson after his work through that program.

124. By contrast, in the present case, Mr. Mendoza did not lead any evidence (expert evidence or otherwise) of any cause for his misconduct, nor of any rehabilitation or evidence that he was unlikely to reoffend.

[4] *Law Society of Alberta v. Clarence Ewasiuk*, 2012 ABLS 16 at paragraphs 503-508, citing *Law Society of New Brunswick v Michael A Ryan*, 2003 SCC 20 at paragraph 58.
[5] *Ewasiuk, supra* at paragraph 651.

125. The Committee is of the view that Mr. Mendoza's conduct is incompatible with the best interest of the public. The purpose of LSA disciplinary hearings is to protect the public interest and maintain public confidence in the legal profession. As set out in paragraph 185 of the Guideline, the fundamental purposes of sanctioning are to ensure the public is protected from acts of professional misconduct and to protect the public's confidence in the integrity of the profession. These fundamental purposes are critical to the independence of the profession and the proper functioning of the administration of justice.

126. Mr. Mendoza's conduct involved ongoing intentional dishonesty and deceit of his clients and of the court throughout most of his short career as a lawyer, including admissions by Mr. Mendoza to 36 separate breaches of his professional obligations, 23 instances of lying, and fabricating at least seven false documents (including court documents). The damages caused or that could have been caused to Mr. Mendoza's clients due to his conduct, including but not limited to the issuance of a contempt order against Ms. S, the risk that a warrant would be issued for Ms. S's arrest and that she would be imprisoned, and the failure to advance Mr. W's efforts to arrange parenting time of his daughter, are extremely serious and egregious. Mr. Mendoza's admitted conduct demonstrates that Mr. Mendoza does not have the integrity, honesty or good character that is necessary of a member of the legal profession in Alberta.

127. The Committee agrees with the submissions of LSA counsel that the fact that Mr. Mendoza had only been practicing for a short time does not excuse or mitigate his misconduct; dishonesty and deceit are not a function of inexperience. Nor are they a function of lack of education or training.

128. Further, the Committee has no reason to conclude that a sanction of anything less than disbarment would be appropriate, considering:

    a. the dishonesty and deceit committed by Mr. Mendoza repeatedly throughout his career;

    b. the significant prejudice that dishonesty and deceit caused or had the potential to cause his clients;

    c. the lack of any explanation or evidence to explain Mr. Mendoza's repeated deceit and dishonesty; and

    d. the lack of evidence of any successful rehabilitation efforts by Mr. Mendoza to prevent such misconduct being repeated.

129. The Committee notes paragraph 190 of the Guideline, which states:

> Disbarment is appropriate in the most serious cases where the lawyer's right to practice law must be terminated to protect the public against the possibility of a

> recurrence of the conduct, even if that possibility is remote. Where any other result would undermine public confidence in the integrity of the profession, the lawyer's right to practice may be terminated regardless of extenuating circumstances and the probability of recurrence. The reputation of the profession is more important than the impact of sanctioning on any individual lawyer.

130. In consideration of the need to protect the public from professional misconduct, and the possibility of the recurrence of misconduct by Mr. Mendoza (there being no evidence whatsoever to suggest misconduct would not recur), the Committee is of the view that disbarment is the appropriate sanction, and indeed, the only appropriate sanction. Any other result would undermine public confidence in the integrity of the profession.

131. Mr. Mendoza is disbarred, effective as of the conclusion of the hearing on July 24, 2025.

Concluding Matters

Costs

132. The decision in *Charkhandeh v College of Dental Surgeons of Alberta,* 2025 ABCA 258 [*Charkhandeh*], which addresses the issue of costs in professional disciplinary proceedings, was issued by the Alberta Court of Appeal on July 17, 2025, and was provided to all parties in advance of the July 24, 2025 hearing.

133. Having delivered its decision to disbar Mr. Mendoza, effective as of the conclusion of the hearing on July 24, 2025, with written reasons to follow, the Committee requested submissions from LSA counsel and from Mr. Mendoza regarding costs.

134. LSA counsel submitted an Amended Estimated Statement of Costs, which was marked at the hearing as Exhibit 10 (Amended Costs Statement). LSA counsel submitted that costs should be payable immediately. He confirmed that the Amended Costs Statement includes costs with respect to the additional investigation and preparation by LSA counsel of evidence in relation to the Further Conduct, which evidence was not admitted or considered by the Committee.

135. Mr. Mendoza submitted that the amount proposed in the Amended Costs Statement was excessive, and that a lower amount (50% of the Amended Costs Statement) would be appropriate. He submitted that he should be given six months to pay. He said he was unemployed and that he was not sure if he could pay a costs award over time but that he would make efforts to do so. He submitted that costs in relation to the Further Conduct should not be included in any costs award.

136. LSA counsel replied that the LSA did not take issue with six months for payment of a costs award.

137. In *Charkhandeh*, the Alberta Court of Appeal held that the approach to costs in disciplinary proceedings as set out in *Jinnah v Alberta Dental Association and College,* 2022 ABCA 336 should not be used.

138. The Court of Appeal held that the starting point in relation to costs in disciplinary proceedings should be the wording of the statute.[6] In the present case, as noted above, section 72(2)(c) of the *Act* authorizes a hearing committee to make "an order requiring payment to the LSA of all or part of the costs of the proceedings within the time prescribed by the order."

139. *Charkhandeh* confirms that costs are in the discretion of the tribunal, which must be exercised judicially and transparently, based on relevant considerations.[7] *Charkhandeh* sets out the relevant factors to be considered in awarding costs, noting that it is not possible to list exhaustively all factors that will be relevant in a particular case to an award of costs:

a. Costs are not intended to be a form of sanction, or to denounce the conduct: "A costs award is intended to allocate the costs of the proceedings, not add another level of punishment. Costs relate to the process of the hearing, not the substance of the charges."

b. The length and extent of the hearing and the conduct of the parties at the hearing are what is relevant, not the seriousness of the charges. Moral indignation towards the underlying conduct is not a principled basis for awarding costs.

c. An important factor is whether costs have been increased due to the unreasonable or inefficient litigation conduct of either party. That would include things like introducing unnecessary or irrelevant evidence, overcharging by the College, refusing to admit uncontested facts, bringing unnecessary applications, delaying proceedings, or failing to meet reasonable deadlines.[8]

140. *Charkhandeh* also sets out that the quantum of any costs awarded must be reasonable at three levels and proportionate:

a. the expenses must be reasonably incurred having regard to the nature of the investigation, the allegations and the hearing process;

b. the quantum paid by the regulator must be fair and reasonable;

[6] *Charkhandeh v College of Dental Surgeons of Alberta,* 2025 ABCA 258 [*Charkhandeh*] at paragraph 132.
[7] *Ibid* at paragraph 149.
[8] *Ibid* at paragraphs 137-143.

c. it must be reasonable to transfer the burden of the costs paid by the regulator to the professional; and

d. the costs award must be proportionate to the issues involved, the circumstances of the member, and the overall burden it places on him or her.[9]

141. Full indemnity is neither the starting point nor the default award.[10]

142. Further, a tribunal should not award a percentage of the expenses incurred without examining the reasonableness of those expenses at a more granular level. The tribunal must have a reasonable idea of the types of expenses that are included and make some assessment of whether those expenses were reasonably incurred, in order to know if it is reasonable and proportionate to transfer any of those costs to the professional.[11]

143. However the costs are calculated, the ultimate award cannot be an unduly onerous or "crushing" burden on the professional. An award of costs should not be of a magnitude that there is no realistic prospect of the professional being able to pay them. However, the ability to pay does not make a costs award reasonable.[12]

144. The Committee considered the Amended Costs Statement. It noted that the rates charged for LSA investigation costs ($100/hr) and for LSA counsel preparation and hearing attendance ($125/hr) are significantly below market rates for legal fees. The Committee noted that the Amended Costs Statement included fees of the court reporter and *per diem* hearing expenses, neither of which should be properly included in a costs award against Mr. Mendoza.

145. The Committee noted that the significant differences between the Amended Costs Statement and the original estimated statement of costs provided by LSA counsel and marked as Exhibit 9 are:

a. an increase in LSA counsel preparation time from 72.3 hours to 120.8 hours;

b. an increase in LSA counsel hearing time from 14 hours to 21 hours (keeping in mind that the Amended Costs Statement was prepared as an estimate, before the July 24, 2025 hearing had occurred).

146. As LSA counsel had completed his submissions on sanction as of the hearing on May 30, 2025, and the Committee specifically advised LSA counsel that it would not re-hear his submissions at the continuation of the hearing. The Committee is of the view that

[9] *Ibid* at paragraph 144.
[10] *Ibid* at paragraph 145.
[11] *Ibid* at paragraph 146.
[12] *Ibid* at paragraphs 147-148.

much of the 48.5 hours of increased estimated preparation time between the hearing dates of May 30, 2025 and July 24, 2025 related to the Further Evidence. The Committee recognizes that some preparation time would be needed for LSA counsel to prepare for the July 24, 2025 continuation of the hearing, in order to prepare for reply submissions to Mr. Mendoza's submissions on sanction, and so is prepared to consider total LSA counsel preparation time of 80 hours in its consideration of a costs award.

147. With respect to hearing time, the Committee notes that the total hearing time (as confirmed by transcripts of the hearing) was approximately 12 hours.

148. In consideration of those points, the Committee notes that the LSA investigation costs, LSA counsel preparation costs and LSA counsel hearing costs, including GST, would amount to approximately $36,000.00.

149. The Committee notes that Mr. Mendoza did contribute to the efficiency of the hearing process by entering into the Admissions. However, Mr. Mendoza caused two adjournments of the hearing, one because he had retained counsel, and another so that he could retain counsel, provide supporting evidence and provide a Book of Authorities (none of which he ultimately did, despite the adjournment being granted) and to properly give submissions.

150. The Committee has the statutory authority to award all or part of the costs of the proceedings against Mr. Mendoza. It has considered the factors in *Charkhandeh* as they apply in this case, as well as the reasonableness and proportionality of a costs award as described in that decision. It has considered that a costs award cannot be a crushing burden upon Mr. Mendoza. It has also considered the submissions of the parties regarding costs.

151. In consideration of all of the foregoing, the Committee awards costs in the total amount of $12,000.00 against Mr. Mendoza, payable within six months of the date of this decision.

Referral to Minister of Justice

152. Pursuant to section 78(6) of the *Act*, if, following a hearing under Part 3, Division 1 of the *Act*, a hearing committee is of the opinion that there are reasonable or probable grounds to believe that a member has committed a criminal offence, it shall forthwith direct the Executive Director of the LSA to advise the Minister of Justice (Minister).

153. The Committee asked LSA counsel to comment on whether such a direction is required in this case, in consideration of sections 366 and 368 of the *Criminal Code*, RSC 1985, c C-46, which state, in part:

Forgery

366 (1) Every one commits forgery who makes a false document, knowing it to be false, with intent

(a) that it should in any way be used or acted on as genuine, to the prejudice of any one whether within Canada or not; or

(b) that a person should be induced, by the belief that it is genuine, to do or to refrain from doing anything, whether within Canada or not.

Making false document

(2) Making a false document includes

(a) altering a genuine document in any material part;

(b) making a material addition to a genuine document or adding to it a false date, attestation, seal or other thing that is material; or

(c) making a material alteration in a genuine document by erasure, obliteration, removal or in any other way.
…

Use, trafficking or possession of forged document

368 (1) Everyone commits an offence who, knowing or believing that a document is forged,

(a) uses, deals with or acts on it as if it were genuine;

(b) causes or attempts to cause any person to use, deal with or act on it as if it were genuine;

(c) transfers, sells or offers to sell it or makes it available, to any person, knowing that or being reckless as to whether an offence will be committed under paragraph (a) or (b); or

(d) possesses it with intent to commit an offence under any of paragraphs (a) to (c).

154. When asked, LSA counsel advised that he did not believe Mr. Mendoza's conduct rose to a level where such a direction is required. Mr. Mendoza said that his conduct does

not rise to a level of criminality. Mr. Mendoza declined to expand on his statement in that regard, when given the opportunity to do so.

155. The Committee notes that if it is of the opinion that there are reasonable or probable grounds to believe that a member has committed a criminal offence, then the Committee must direct the Executive Director to advise the Minister. Section 78(6) of the *Act* is not discretionary in that regard: see *Law Society of Alberta v Amantea*, 2020 ABLS 14 at paragraph 75.

156. The Committee notes that Mr. Mendoza admits, in the Admissions, that he created and provided false emails to his client, and that he provided an affidavit with a false Court stamp to his client.

157. The Committee is of the opinion that there are reasonable or probable grounds to believe that Mr. Mendoza has committed a criminal offence (or offences) pursuant to sections 366 and 368 of the *Criminal Code*.

158. The Committee notes that it has no jurisdiction to make a qualitative assessment as to the "seriousness" of a criminal offence in determining whether to direct the Executive Director to advise the Minister.

159. The Committee thus directs the Executive Director to advise the Minister that the Committee is of the opinion that there are reasonable or probable grounds to believe that Mr. Mendoza has committed a criminal offence or offences contrary to sections 366 and 368 of the *Criminal Code*.

Other Matters

160. As Mr. Mendoza has been disbarred, a Notice to the Profession was required in accordance with section 85 of the *Act* and that was issued on July 24, 2025.

161. 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. Mendoza will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated September 10, 2025.

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Kelsey Meyer

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Troy Couillard

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Timothy Ford