

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

**Hearing Committee**

Corie Flett, KC – Chair  
Michael Mannas – Adjudicator  
Robert Philp, KC – Former Benchers

**Appearances**

Shanna Hunka – Counsel for the Law Society of Alberta  
Edward Halt, KC – Counsel for Jeffrey Rath

**Hearing Date**

May 8, 2025

**Hearing Location**

Virtual Hearing

**HEARING COMMITTEE REPORT**

**Overview**

1. The following citations were directed to hearing by the Conduct Committee Panel on June 18, 2024:
  - 1) It is alleged that Jeffrey R. W. Rath failed to cooperate with a successor lawyer, and delayed the transfer of a file, following being discharged by his client, and that such conduct is deserving of sanction.
  - 2) It is alleged that Jeffrey R. W. Rath failed to be candid with the Court and Crown Counsel by misrepresenting at a Federal Court Case Management Conference that he remained as legal counsel for a client after the client had terminated Mr. Rath's representation and had instructed him to transfer the client's file to new counsel, and that such conduct is deserving of sanction.
2. On May 8, 2025, the Hearing Committee (Committee) of the Law Society of Alberta (LSA) convened a hearing into the conduct of Mr. Rath, based on the above citations.

The parties presented a Statement of Admitted Facts and Admission of Guilt (Agreed Statement) dated May 2, 2025.

3. After reviewing the exhibits and hearing the submissions of the parties, the Committee finds Mr. Rath guilty of conduct deserving of sanction on the citations above pursuant to section 71 of the *Legal Profession Act* (Act).
4. The Committee also finds that, based on the facts of this case, the appropriate sanction is a reprimand. In accordance with section 72 of the Act, the Committee orders that Mr. Rath be reprimanded as set out below.
5. In addition, pursuant to section 72(2) of the Act, the Committee orders that Mr. Rath pay costs in the amount of \$10,000.00 and that he will have until June 30, 2025 to pay those costs. There shall be no Notice to the Profession, nor a referral to the Attorney General.

### **Preliminary Matters**

6. There were no objections to the composition of the Committee or its jurisdiction, and a private hearing was not requested.

### **Agreed Statement of Facts/Background**

7. As noted, the parties presented the Agreed Statement to the Committee, which was included in the Exhibits. The Committee found the Agreed Statement acceptable on May 8, 2025. Pursuant to section 60(4) of the Act, each admission of guilt in the Agreed Statement is deemed to be a finding by this Committee that Mr. Rath's conduct is deserving of sanction under section 49 of the Act.
8. The essential facts, as outlined in the Agreed Statement, were as follows:
  - 1) Mr. Rath began representing the Thunderchild First Nation (TFN) regarding its treaty claims against Canada in 2009.
  - 2) Mr. Rath and the TFN entered into a Contingency Fee Agreement (CFA) in 2015.
  - 3) On September 12, 2019 the TFN by way of Band Council Resolution (BCR) approved M. Law as its counsel and directed that Rath & Company transfer all relevant documents and materials to M. Law.
  - 4) On September 13, 2019 counsel from M. Law wrote to Mr. Rath providing a copy of the September 12, 2019 BCR and requested that Rath & Company cease work on the matter, render invoices for work to date and pointed out the request through the BCR for the file contents to be transferred.

- 5) From then on, correspondence was exchanged between Mr. Rath and counsel for M. Law on numerous occasions regarding the transfer of the file contents, the last of which occurred March 10, 2020 when Mr. Rath advised M. Law that if it was not acknowledged by the TFN that the CFA was binding then Rath & Company had no obligation to provide the file materials.
  - 6) Following receipt of the September 2019 BCR, Mr. Rath attended a case management conference on behalf of the TFN on November 8, 2019. Mr. Rath did not inform the TFN or M. Law that he would be attending on the TFN's behalf after receipt of the September 2019 BCR. Mr. Rath did not inform the Court or opposing counsel that his retainer had been terminated. He addressed the TFN matter along with another unrelated matter and submitted that both cases should be scheduled for a judicial dispute resolution (JDR). Crown counsel suggested the cases were not far enough along yet to do so and requested that Mr. Rath provide her a letter outlining the appropriate next steps and timing, which he agreed to do. The Court directed a further case management conference to a date in 2020, with both lawyers' consent.
9. Based on those facts, Mr. Rath admitted that he failed to cooperate with a successor lawyer and delayed the transfer of a file and that he failed to be candid with the Court and opposing counsel. He admitted that such conduct was deserving of sanction. Further, he confirmed that he had signed the Agreed Statement voluntarily, that he understood the nature and consequences of the Agreed Statement, and that the Committee would not be bound by any joint submission relating to the sanction.

### **Submissions on Sanction**

10. Counsel for the LSA and Mr. Rath agreed by way of joint submission on sanction that a reprimand was appropriate.
11. In support of the joint submission, counsel for the LSA and Mr. Rath pointed out the lack of aggravating factors and identified several mitigating factors such as Mr. Rath's cooperation in resolution of the matters, his health issues, his completion of a LESA course in relation to the LSA Code of Conduct and his lack of disciplinary record.

### **Analysis and Decision on Sanction**

12. Having considered the evidence before the Committee, the submissions made by counsel, which included the mitigating factors identified above and acknowledging the requirement to show deference to a joint submission as set out in *R. v. Anthony-Cook*, the Committee agreed with the joint submission on sanction. The proposed sanction protects the public by imposing a sanction that reflects the seriousness of Mr. Rath's conduct, his approach to the hearing and the lack of aggravating factors.

13. Amongst the authorities provided by counsel for the LSA was *Law Society of Alberta v. Richard Renz*, 2007 LSA 12, where the member delayed transfer of the file for approximately 11 months and based on similar mitigating factors such as cooperation and lack of a disciplinary record was issued a financial sanction of \$500.00 in relation to the citation involving failure to be cooperative with successor counsel in transferring the file.
14. The decision of *Law Society of Alberta v. Imtiaz*, 2022 ABLS 8, dealt with a member that had three citations which included failing to be courteous and acting in good faith in dealings with opposing counsel, failing to be accurate, candid and comprehensive in her submissions with the Court and obtaining a judgment on behalf of her client improperly. In that case, a reprimand, fine of \$2,000.00 and costs of \$2,500.00 was accepted by the panel by way of joint submission.
15. Another case relied on was *Law Society of Alberta v. Roszler*, 2017 ABLS 5, in which the member faced two citations dealing with a failure to treat another lawyer with courtesy and failing to be accurate, candid and comprehensive in his submissions to the Court. In that case, the member was sanctioned by way of a reprimand and ordered to pay costs of \$1,734.00 as was proposed by way of joint submission and accepted by the panel.
16. Having considered the above noted cases and the other authorities presented, along with the evidence, the sanction as proposed by the parties by way of joint submission falls within a range of reasonably expected outcomes and would not put the administration of justice into disrepute nor would be contrary to the public interest.
17. The Committee Chair delivered the following reprimand during the sanction phase of the hearing:

Mr. Rath, you have admitted guilt with respect to two citations. You failed to cooperate with a successor lawyer and delayed the transfer of a file after being discharged by your client and you failed to be candid with the court and crown counsel at a federal court case management conference. Mr. Rath, the right to practice law in the province of Alberta is a privilege that has been bestowed upon you by the Law Society of Alberta in exercise of its authority under the *Legal Profession Act*.

Your conduct in regards to the complaint in this matter is cause for concern. You have a responsibility to the members of the public and to the Law Society to represent their best interest. You failed in this case. This failure represents the type of thing that the Law Society strives to avoid, and the confidence we need to instill in the public is that we have to ensure that they believe and know that they will

be treated, by our members, conscientiously and honestly. You failed in this case. You must do better.

As a member of this Law Society, you will be expected to look at what you have done to determine whether or not you can improve on what has happened, learn from this particular matter, and, of course, to move forward.

But again, holding this office requires you to understand the obligation you have to the public and to the Law Society and to its Members. And you, as an example of that, to be that type of exemplary individual who represents those interests.

So, I hope, from today's appearance, that you can do more for yourself, and I require you to do more for the members of the public that you serve. I wish you good luck, Mr. Rath, in your continued work. I hope you can learn from this particular matter and we can move forward from it.

18. Finally, the parties agreed that Mr. Rath would pay \$10,000.00 costs no later than June 30, 2025. The Committee agreed this was appropriate, as it was only \$804.50 less than the estimated statement of costs set out in the Exhibits.

### **Concluding Matters**

19. For those reasons, the Committee imposes a reprimand on Mr. Rath in the form set out above and orders that he pay \$10,000.00 in costs to the LSA by no later than June 30, 2025.
20. There will be no notice to the Attorney General, and no Notice to the Profession.
21. The exhibits, other hearing materials, and this decision 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. Rath will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated June 25, 2025.

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Corie Flett, KC

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Michael Mannas

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Robert Philp, KC