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 BARRY KING
A MEMBER OF THE LAW SOCIETY OF ALBERTA

Resignation Committee

Arman Chak, KC – Chair (Bencher)
Bud Melnyk, KC – Committee Member (Bencher)
Mary Ellen Neilson – Committee Member (Lay Bencher)

Appearances

Karl Seidenz – Counsel for the Law Society of Alberta
Fred Fenwick, KC – Counsel for Barry King

Hearing Date

June 29, 2026

Hearing Location

Virtual Hearing

RESIGNATION COMMITTEE REPORT

Overview

1. Barry M. King was admitted to membership in the Law Society of Alberta (LSA) on September 25, 1981, following a clerkship at the Court of Appeal of Alberta. From 1981 to 2003 Mr. King practised primarily in commercial litigation at various firms, and in 2003, he established [SLG], which grew to seven lawyers and nine support staff prior to merging with SB LLP in 2024. Throughout his time at [SLG], Mr. King maintained a general practice, including family law matters.

2. In October 2024, after 43 years of active legal practice, Mr. King became an inactive (non-practising) member of the LSA with the intention of retiring from the practice of law.

3. In April 2021, the LSA received a complaint regarding Mr. King's conduct in a contentious family law file. Following an investigation, on July 16, 2024, a panel of the Conduct Committee directed five citations to proceed to a hearing committee. Following separate joint applications, respective Pre-Hearing Conference Chairs directed that four citations be withdrawn, leaving one amended citation for determination.

4. Pursuant to section 32 of the *Legal Profession Act*, RSA 2000, c. L-8 (*Act*), Mr. King submitted an application for resignation in the face of discipline. Because Mr. King's conduct was the subject of outstanding citations under the *Act*, this Resignation Committee (Committee) was constituted to hear and determine his application.

5. On June 29, 2026, upon reviewing the jurisdictional exhibits, the joint exhibit binder containing the Statement of Admitted Facts and Admissions of Guilt (Agreed Statement), the statutory declaration, and undertakings, and upon hearing oral submissions from both counsel for the LSA and counsel for Mr. King, the Committee allowed Mr. King's section 32 resignation application with oral reasons, advising that a written decision would follow. This is that written decision.

6. In addition, the Committee accepted the agreed costs submission ordering Mr. King to pay costs in the amount of $5,000.00, payable prior to any future application for reinstatement.

Preliminary Matters

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

8. Counsel for the LSA entered Exhibits 1 through 6 into evidence by consent as jurisdictional exhibits, comprising: the Letter of Appointment (Exhibit 1); Notice to Attend Virtual Hearing (Exhibit 2); Certificate of Status (Exhibit 3); Memorandum regarding Private Hearing Application Notices (Exhibit 4); Amended Formal Citations (Exhibit 5); and Lawyer Record (Exhibit 6).

9. In addition, counsel jointly entered Application Materials, including the Application for Resignation, Statutory Declaration, Undertakings and Agreements, and Statement of Admitted Facts and Admissions of Guilt (Exhibit 7) and an Estimated Statement of Costs (Exhibit 8) into evidence by consent.

Citations

10. Mr. King faced the one remaining amended citation:

> 1) It is alleged that Barry M. King took steps to obtain an order without providing notice to all required parties when he knew, or ought to have known, that those parties would oppose the order, and that such conduct is deserving of sanction.

11. The other four original citations arising from the complaint were formally withdrawn by the LSA prior to the hearing following pre-hearing conference directions.

Agreed Statement of Facts

12. The Statement of Admitted Facts and Admission of Guilt (Agreed Statement) was signed by Mr. King on June 12, 2026, was found to be in a form acceptable to the Committee. A summary of the Agreed Statement is set out below.

Retainer and Client Background

13. Between October 2013 and July 2020, Mr. King acted for a client in a high-conflict family law dispute. He was initially retained to assist with a legal name change for the client's child and thereafter continued to represent the client in various family law proceedings including divorce, guardianship, parenting, custody, schooling, and child support.

14. At the outset of the retainer, Mr. King was advised that his client had been diagnosed in 2009 with [mental health challenges]. Due to her mental health challenges, her parents—and particularly her mother (the complainant)—provided significant support, including childcare assistance and involvement in legal matters.

Failure to Provide Notice

15. On April 10, 2019, Mr. King met with the client to obtain instructions regarding a proposed Consent Variation Order that substantially reduced her parenting time from 50/50 parenting to weekend parenting, transferring primary parenting responsibility to the child's father.

16. After two meetings that day, Mr. King formed the opinion that the client possessed capacity to provide legal instructions. He did not contact her psychologist, although he had instructed his assistant to prepare the necessary authorization form.

17. The finalized Consent Variation Order required that the client's parenting time occur at her parents' residence and imposed specific obligations upon them. The client instructed Mr. King not to provide a copy of the draft Consent Variation Order to her parents or their counsel.

18. On April 29, 2019, a student-at-law from Mr. King's office attended Chambers without notice to the parents or their counsel, and the Consent Variation Order was granted by Justice Fraser.

19. Mr. King admitted that he ought to have provided notice to his client's parents before seeking entry of the Consent Variation Order because:

    a. The Order imposed direct obligations upon them, making them interested parties entitled to notice; and

b. He had previously undertaken to take steps on their behalf regarding guardianship and could not properly discontinue that course without advising them.

20. Mr. King admitted that this conduct was contrary to Commentaries 6–8 of Rule 5.1-1, Rules 5.1-7, 7.2-1, and 7.2-14 of the LSA Code of Conduct (Code), and that such conduct is deserving of sanction.

Medical Circumstances & Acknowledgements

21. Mr. King confirmed that severe health issues contributed to his decision to retire and resign from the LSA. Specifically, before retiring, Mr. King suffered a concussion during a cycling accident from which he continues to experience symptoms, and more recently received a complex medical diagnosis requiring cardiac surgical intervention.

22. Pursuant to paragraph 47 of the Pre-Hearing and Hearing Guideline (Guideline), Mr. King confirmed that he made his admissions freely and voluntarily, unequivocally admitted the essential elements of the citation, understood the nature and consequences of his admissions, and acknowledged that any joint submission on sanction is entitled to deference but not binding on the Committee.

23. Mr. King acknowledged that he had the opportunity to obtain independent legal advice and understood that his application and the Agreed Statement would be published and heard in public.

The Submissions of the Parties

Submissions on Behalf of Mr. King

24. Mr. Fenwick, KC, counsel for Mr. King, submitted that this was an application under section 32 of the *Act* for an ordinary resignation in the face of discipline, rather than a resignation under discipline under section 61 of the *Act,* which carries the effect of a deemed disbarment.

25. Mr. Fenwick emphasized that the resolution represented months of detailed negotiations and review of the file between counsel. Mr. King faced a single citation concerning a failure to give notice to a non-party in an intensely contested family law matter involving a client with diminished capacity.

26. Addressing the test in the LSA Adjudicator Guideline – Resignations (Resignation Guideline), Mr. Fenwick argued that the conduct before the Committee was clearly not disbarable. There was no financial impropriety, no breach of trust, no breach of a court order, no failure to cooperate with the LSA, and no general issue of governability.

27. Mr. Fenwick reviewed Mr. King's distinguished 43-year career serving ordinary citizens in family and civil litigation. He noted that Mr. King had retired from practice, was dealing

with significant health issues, and had provided comprehensive undertakings never to reapply for admission or practise law.

Submissions on Behalf of the LSA

28. Mr. Seidenz, counsel for the LSA, confirmed that the LSA fully supported Mr. King's application to resign pursuant to section 32 of the *Act*, treating the application as akin to a joint submission.

29. Mr. Seidenz directed the Committee to paragraphs 20 and 22 of the Resignation Guideline and the authority of *Law Society of Alberta v. Lintz,* 2024 ABLS 9, establishing the two-part test for section 32 resignations:

    a. Whether the alleged conduct would likely result in disbarment if the matter proceeded to a hearing and the citations were proved; and

    b. Whether accepting the resignation is in the best interests of the public and the legal profession.

30. Mr. Seidenz submitted that the single admitted citation would not result in disbarment under modern sanctioning principles. He noted that under *Charkhandeh v. College of Dental Surgeons of Alberta,* 2025 ABCA 258 (*Charkhandeh*), professional discipline focuses primarily on public protection rather than punishment.

31. Mr. Seidenz submitted that public protection is completely satisfied in this case. Mr. King has been inactive for nearly two years, has permanently retired, and has executed irrevocable undertakings at Exhibit 7C:

    a. Not to practise law except as permitted under the *Act*;

    b. Not to act as an agent except as permitted under the *Act*;

    c. Not to act as a paralegal without prior Bencher approval; and

    d. Not to reapply for admission to the LSA without first paying the costs award.

32. Mr. Seidenz pointed out that forcing a contested multi-day hearing involving expert evidence and witnesses regarding a non-practising lawyer who is 71 years old and permanently retired would be a misuse of regulatory resources and contrary to the public interest.

33. Regarding costs, Mr. Seidenz advised that actual LSA costs exceeded $10,000.00, but in light of the principles in *Charkhandeh*, the LSA proposed a reduced cost award of $5,000.00. He submitted this quantum was fair and reasonable and did not constitute a

crushing burden, particularly as payment is required only if Mr. King ever seeks reinstatement.

34. Mr. Fenwick confirmed on behalf of Mr. King that the proposed costs award of $5,000.00 was accepted.

Analysis

35. The fundamental issue for determination by this Committee is whether it is in the best interests of the public and the legal profession to permit Mr. King to resign pursuant to section 32 of the *Act* in the face of an unresolved conduct citation.

36. Under the *Act*, a member facing conduct proceedings may apply to resign under either section 32 or section 61. There is a critical statutory distinction: a resignation accepted under section 61 carries the legal force and effect of a deemed disbarment pursuant to section 1(c) of the *Act*. An application accepted under section 32 is an ordinary resignation in the face of discipline where the member's name is struck off the roll without the stigma or legal designation of disbarment.

37. In evaluating a section 32 application, the Committee is guided by paragraph 20 of the Resignation Guideline, which sets out the governing test:

    a. The nature of the lawyer's alleged conduct and whether it would likely result in disbarment if the matter were to proceed to a hearing and the citations were proved; and

    b. Whether there are mitigating factors or circumstances that demonstrate disbarment would be an unlikely or inappropriate outcome.

38. The Committee agrees with counsel that the single citation facing Mr. King—failing to provide notice to interested non-parties before entering a consent variation order in a complex family law matter—would not result in disbarment if proved at a full hearing. The misconduct contains no elements of misappropriation, dishonesty, criminal conduct, failure of governability, or breach of court orders.

39. Furthermore, because the LSA supported Mr. King's section 32 application, the Committee considered the position of counsel to be tantamount to a joint submission. As established in *Law Society of Alberta v. Samfiru*, 2025 ABLS 1, and *Law Society of Alberta v. Ross*, 2025 ABLS 26, a joint submission on sanction or resignation is entitled to significant deference and should not be departed from unless it would bring the administration of justice into disrepute or is otherwise contrary to the public interest.

40. As emphasized by the Court of Appeal in *Charkhandeh*, the primary objective of professional regulation is the protection of the public and the maintenance of public

confidence. Public protection does not require a formal disbarment hearing when the public is fully protected by lesser, effective regulatory means.

41. The public and the profession are fully protected here. Mr. King is 71 years old, has been inactive since October 2024, and has permanently retired after 43 years at the bar. Crucially, his application is fortified by solemn undertakings never to reapply for admission, never to practise law, and never to act as a paralegal or agent.

42. The Committee also finds that the medical circumstances of Mr. King is also a factor to support the acceptance of the section 32 resignation.

43. Requiring the LSA and the member to expend substantial resources on a multi-day contested hearing solely to seek a sanction of suspension against a retired, non-practising lawyer would serve no public purpose and would be contrary to the efficient administration of justice.

44. Accordingly, the Committee is satisfied that accepting Mr. King's section 32 resignation is in the best interests of the public and the legal profession.

Decision

45. The Committee finds that the Agreed Statement is in a form acceptable to the Committee.

46. Based on the evidence established in the Agreed Statement and the solemn undertakings provided by Mr. King, the Committee determined that it is in the best interests of the public and the legal profession to accept the application of Mr. King to resign pursuant to section 32 of the *Act*, effective June 29, 2026.

47. The Committee formally accepts the undertakings executed by Mr. King, including his undertakings not to practise law, act as an agent, or act as a paralegal, and not to reapply for admission to the LSA without first satisfying the costs award.

48. Pursuant to section 32(2) of the *Act*, Mr. King's name shall be struck off the roll. The roll shall reflect that Mr. King's application to resign pursuant to section 32 of the *Act* was allowed on June 29, 2026.

Costs Award

49. The Committee reviewed the Statement of Estimated Costs submitted by the LSA.

50. Applying the principles enunciated in *Charkhandeh* regarding the fair distribution of hearing costs and proportionate costs awards, the Committee approves the agreed reduced costs quantum of $5,000.00.

51. The Committee ordered at the time of the hearing that Mr. King pay costs to the LSA in the amount of $5,000.00 prior to any future application for reinstatement.

Concluding Matters

52. A Notice to the Profession was ordered by the Committee and was issued on June 29, 2026.

53. A Notice to the Attorney General is not required under the circumstances.

54. Pursuant to Rule 98(3) of the Rules of the LSA, the exhibits, hearing materials, and this report will be available for public inspection, subject to the redaction of identifying information regarding persons other than Mr. King and necessary redactions to preserve client confidentiality and solicitor-client privilege.

Dated October 28, 2026

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Arman Chak, KC

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Bud Melnyk, KC

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Mary Ellen Neilson