

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

Hearing Committee

Matthew Woodley – Chair and Lawyer Adjudicator
Michael Brodrick – Public Adjudicator
Erin Runnalls, KC – Benchler

Appearances

Shanna Hunka – Counsel for the Law Society of Alberta (LSA)
Simon Renouf, KC – Counsel for Martin Schulz

Hearing Date

December 10, 2025

Hearing Location

Virtual Hearing

HEARING COMMITTEE REPORT

Overview

1. The following citations were directed to hearing by the Conduct Committee Panel on July 16, 2024:
 - 1) It is alleged that Martin G. Schulz failed to make reasonable efforts to ensure that his associate D.C., while under his supervision, provided timely, conscientious, and diligent services and that such conduct is deserving of sanction.
 - 2) It is alleged that Martin G. Schulz failed to promptly disclose a material error to his client and that such conduct is deserving of sanction.
 - 3) It is alleged that Martin G. Schulz failed to obtain instructions from his client and that such conduct is deserving of sanction.
 - 4) It is alleged that Martin G. Schulz failed to provide competent, conscientious, and diligent services to his client by failing to submit an Affidavit in support of an Appeal of the dismissal of his client's claim and that such conduct is deserving of sanction.

- 5) It is alleged that Martin G. Schulz failed to be candid with the Court and that such conduct is deserving of sanction.
2. Mr. Schulz is a lawyer in private practice in Edmonton and has been practicing for more than 30 years. He is the managing partner at his firm, specializing in personal injury law. The citations in this matter arise from services provided to a personal injury client in the context of litigation which ultimately resulted in the client's claim being dismissed by the Court because of failures to meet mandatory timelines set out in a Court Order. The citations relate both to Mr. Schulz's supervision of associate lawyers in his firm, and his direct conduct in relation to the client's file.
3. On December 10, 2025, the Hearing Committee (Committee) convened a hearing into the conduct of Mr. Schulz, based on the citations set out above.
4. After reviewing the proposed Statement of Admitted Facts and Admissions of Guilt (Admission), and hearing the arguments of the LSA and Mr. Schulz, the Committee finds Mr. Schulz guilty of conduct deserving of sanction on a single amended citation (see below), and not guilty on citations 4 and 5, pursuant to section 71 of the *Legal Profession Act (Act)*.
5. The Committee also finds that, based on the facts of this case, the appropriate sanction is a reprimand, and a fine in the amount of \$7,500.00. In addition, pursuant to section 72(2) of the *Act*, the Committee orders that Mr. Schulz pay costs in the amount of \$7,500.00, payable by March 10, 2026, failing which Mr. Schulz shall be suspended.

Preliminary Matters

6. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested, so a public hearing into Mr. Schulz's conduct proceeded.
7. At the commencement of the hearing, the LSA and Mr. Schulz made an application to the Committee to amend citations 1, 2 and 3 into a single citation as follows:
 - 1) It is alleged that Martin Schulz failed to make reasonable efforts to ensure that his associate DC, while under his supervision, provided timely, conscientious and diligent services to his client including promptly disclosing a material error and that he failed to provide competent, conscientious and diligent services to his client subsequent to DC's departure from the firm, and that such conduct is deserving of sanction.
8. The LSA submitted that the factual elements in citations 1 to 3 remain in the proposed amended citation, and that the parties were able to come to an agreement on facts and an admission of guilt based on the amended citation.

9. The Committee has the jurisdiction to amend citations in the context of a hearing before it. The Committee determined that the proposed amendment was appropriate in that it preserves the underlying factual allegations made against Mr. Schulz but combines them into one citation dealing with the same sequence of events relating to the services provided to the client. Having regard for the consent of the parties, the Committee concluded that it was in the public interest to permit the amendment, and the Committee directed that citations 1 to 3 be amended into a single citation, as set out in paragraph 7 above.
10. Finally, the LSA applied to correct a typographic error in the Admission. The reference to "September 21, 2019" in paragraph 29 was corrected to read "September 21, 2021". The Committee granted the application to correct the Admission, noting the consent of Mr. Schulz.

Agreed Statement of Facts/Background

11. As noted, the parties provided the Committee with the Admission which summarized the relevant facts. In summary, the Admission sets out the retainer of Mr. Schulz's firm by client JH in relation to a slip and fall injury in 2012. An associate in the firm signed the retainer with JH and litigation was commenced. Various steps were taken in the action, including representation by Mr. Schulz at Part 5 questioning in 2017.
12. Certain undertakings were given by JH at questioning. The associate who signed the retainer agreement subsequently left the firm, and the file was transferred to another associate, DC. In April of 2019, an application was brought by the defendant in the action to compel answers to undertakings and an order was granted which required that answers be provided within 90 days of the order. The undertakings were not answered, and in August of 2019 a second order was obtained by the defendant which required answers to undertakings by August 23, 2019, failing which the action would be dismissed.
13. Although some steps were taken to answer undertaking, the defendant brought an application in November of 2019 to dismiss the action. Mr. Schulz was aware of that application. A lawyer from the firm attended the application to oppose the dismissal of the action, but the application was granted, and the action was dismissed. An appeal of the order dismissing the action was filed and *facta* were exchanged. Concerningly, JH was unaware of any of these developments, and was not asked to provide instructions in relation to these matters.
14. Starting in February of 2020, JH began requesting updates from the firm and was simply told that an application was scheduled for May of 2020 and that Mr. Schulz would be attending at the application. Further attempts were made by JH to obtain an update in July of 2020, but her inquiries were not answered. DC left the firm in April of 2021 and the file was then managed by Mr. Schulz.

15. On September 8, 2021, Mr. Schulz argued the appeal before a Justice of the Court of King's Bench, but the appeal was dismissed in reasons dated September 17, 2021. It was only on September 21, 2021 that Mr. Schulz communicated with JH to advise her that her claim had been dismissed in November of 2019, and that the appeal of that decision had been denied. Mr. Schulz then advised JH to seek independent legal advice. JH did so and retained new counsel. On November 5, 2021, Mr. Schulz signed a consent order directing that JH pay costs of the action to the defendant in the amount of \$16,880.91.
16. The complaint by JH was made on September 7, 2022, and focused on the fact that she was not aware of and did not provide instructions in relation to key steps that occurred in the action, including the matters noted above.
17. Although responsibility for some of these issues clearly rests with the lawyers who had been assigned to the file, Mr. Schulz acknowledged that as the firm's managing partner, he was responsible for supervising his associates and that he had overall responsibility for the firm's clients and oversight of all files. Mr. Schulz was unaware of what had occurred on JH's file until he was advised of the application to dismiss the action. However, as of that time, he did not take steps to ensure that JH was aware of the dismissal of her action and the steps being taken to address it. Further, Mr. Schulz made key decisions in relation to the file without obtaining JH's instructions, including signing a costs consent order on JH's behalf after she had retained new counsel.
18. Ultimately, Mr. Schulz admits that he failed to make reasonable efforts to ensure that his associate, while under his supervision, provided timely, conscientious, and diligent services including promptly disclosing a material error and failed to provide competent, conscientious and diligent services to his client subsequent to the associate's departure from the firm, and that such conduct is deserving of sanction.

Submissions of the LSA

19. Counsel for the LSA argued that the Admission clearly sets out the relevant facts and provides sufficient evidence upon which the Committee can make a finding of conduct deserving of sanction on amended citation 1.
20. In relation to sanction, the LSA submitted that a reprimand was appropriate in the circumstances, and that a fine of \$7,500.00 recognized the seriousness of the proven misconduct. The LSA also submitted as exhibit 6 a Lawyer Record relating to Mr. Schulz which confirmed that Mr. Schulz has a discipline record consisting of findings of guilt on five citations in December of 2022 which broadly related to failures in the provision of professional services to a client. While the LSA submitted that the Lawyer Record was a factor the Committee could consider, the facts in the current hearing arose prior to the finding of conduct deserving of sanction in the other case, and the principle of

progressive discipline therefore does not apply with the same force as it would in other circumstances.

21. The LSA provided the Committee with other cases which demonstrated that the proposed sanction was consistent with other decisions and that the proposed sanction was proportionate to the proven misconduct.

Submissions of Mr. Schulz

22. Counsel for Mr. Schulz generally agreed with the submissions of the LSA, noting that Mr. Schulz had cooperated with the discipline process and that the guilty plea to amended citation 1 eliminated the need for a lengthy hearing and the associated inconvenience arising for witnesses. He agreed that the proposed sanction was appropriate and proportionate.

Analysis and Decision

23. The Committee finds that the Admission contains sufficient facts to demonstrate that Mr. Schulz is guilty of amended citation 1 on a balance of probabilities. The proven misconduct is sufficiently serious to amount to conduct deserving of sanction.
24. Although the facts indicate that the original problem with JH's file was caused by a senior associate in the firm, Mr. Schulz was the managing partner and was responsible for oversight and supervision of his associates. The failures set out in the Admission were serious and continued for several months. Further, the failure by Mr. Schulz to take steps to immediately contact JH when he became aware of the issue is significant misconduct. Taking additional and key steps in litigation without seeking instructions is contrary to a lawyer's duty to his client, and is conduct that is likely to bring the reputation of the profession into disrepute.
25. The Committee accepts the Admission and finds Mr. Schulz guilty of conduct deserving of sanction on amended citation 1.
26. No evidence was called in relation to citations 4 and 5, and the Committee therefore finds Mr. Schulz not guilty of those citations.

Analysis and Decision on Sanction

27. The Committee also concludes that the proposed sanction is proportionate, and is within the range of appropriate sanctions having regard to the relevant goals of sanctioning in the professional regulatory context. These include the protection of the public, denunciation and rehabilitation. The sanction would not bring the administration of justice into disrepute, and therefore the Committee is required to implement the joint proposal from the parties. A reprimand is important to communicate the fact that the proven misconduct is condemned by the profession. The fine is also appropriate to

denounce the conduct, and to discourage Mr. Schulz from engaging in similar misconduct in the future.

28. The Committee issued the following reprimand to Mr. Schulz:

Mr. Schulz, the following constitutes a reprimand from the Hearing Committee in relation to the finding of that you engaged in conduct deserving of sanction.

You have admitted guilt regarding your failure to ensure that an associate lawyer under your supervision provided timely conscientious and diligent services to his client, including promptly disclosing a material error and your failure to provide competent, conscientious and diligent services to your client subsequent to the associate's departure from the firm. Your conduct fell below standards expected of a lawyer and reflects poorly on you as a lawyer and on the legal profession generally.

Counsel for you and the Law Society have jointly recommended and submitted that your conduct should result in this reprimand, a \$7,500.00 fine and payment of \$7,500.00 for costs. The Hearing Committee accepts the joint recommendations and submissions of counsel. We acknowledge your cooperation with the Law Society leading up to today and resolving this complaint by admitting your guilt which avoided an unnecessary contested hearing, witness inconvenience and process costs. Your admission has permitted these citations to be resolved on a more efficient basis, which is not just a benefit to you, but it is a benefit to the public and to the Law Society. The Hearing Committee also notes that you have a disciplinary record relating to five findings of conduct deserving of sanction from December of 2022, which was made after the facts underlying the citation in this case. However, the Hearing Committee is concerned about the broad similarities relating to client matters in both, and it urges you to take steps to ensure that these matters are not repeated in the future.

29. The parties confirmed that the proposed costs order of \$7,500.00 was made in accordance with the recent guidance from the Court of Appeal in *Charkhandeh v College of Dental Surgeons of Alberta*, 2025 ABCA 258, with respect to the appropriate amount of costs. The Committee was satisfied that a costs order of \$7,500.00 was appropriate in the circumstances based on its review of the estimated statement of costs in the amount of \$33,798.25 and considering the principles set out in *Charkhandeh*.

Concluding Matters

30. Mr. Schulz shall have until March 10, 2026 to pay the fine and the costs award.
31. No notice to the Attorney General nor the profession is required in these circumstances.
32. 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. Schulz will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).
33. The Committee is grateful to the parties for their collaborative approach and helpful submissions.

January 9, 2026.

Matthew Woodley

Michael Brodrick

Erin Runnalls, KC