

**IN THE MATTER OF PART 3 OF THE
LEGAL PROFESSION ACT, RSA 2000, c. L-8**

AND

**IN THE MATTER OF A SECTION 84 APPLICATION
REGARDING LINDSAY ADAM CHRISTOPHER ROSS
A SUSPENDED MEMBER OF THE LAW SOCIETY OF ALBERTA**

Bencher Committee

A. Danielle Bourgeois
Scott Matheson
Bud Melnyk, KC
Kelsey Meyer
Mary Ellen Neilson
Sandra Petersson, KC
Erin Runnalls, KC

Appearances

Meryl Friedland – Counsel for the Law Society of Alberta (LSA)

Hearing Date

September 18, 2024

Hearing Location

Virtual Hearing

COMMITTEE REPORT

Overview

1. Lindsay Ross was a member of the Law Society of British Columbia (LSBC) and was ordered disbarred in British Columbia by a hearing panel on March 19, 2024. The LSBC hearing panel found that Mr. Ross had engaged in multiple instances of professional misconduct and that the following allegations were established:
 - Misappropriated trust funds from two separate clients
 - Misled clients, a lawyer and the LSBC regarding trust funds received from a client
 - Acted in a conflict of interest with respect to three clients
 - Facilitated a breach of a trust agreement
 - Misled clients in relation to a purchase of real estate
2. Mr. Ross articulated with a large firm in Calgary and was called to the Alberta Bar on June 30, 1988. He stayed with that firm for two years before moving to British Columbia,

where he got called to the British Columbia Bar in 1989. He maintained inactive/non-practicing status with the LSA until March 2011, when he was suspended as a member of the LSA for non-payment of fees.

3. Since 1989, Mr. Ross had practiced in Vancouver and then Victoria in the areas of tax and corporate law. It appears that he retired in June 2020.
4. On September 18, 2024 a Committee of the Benchers (Committee) held a hearing to consider the LSA's application to disbar Mr. Ross, pursuant to section 84 of the *Legal Profession Act (Act)*. Mr. Ross did not appear at the hearing.
5. After reviewing all of the evidence and exhibits, and considering the representations of the LSA, the Committee ordered that Mr. Ross be disbarred.

Service

6. Section 84(3) of the *Act* requires the LSA to provide at least 10 days' written notice of this application, and section 84(4) of the *Act* and Rule 104(2) of the Rules of the LSA (Rules) state that an order for disbarment may only be made after the member has been given such notice and a reasonable opportunity to make oral and written submissions to the Committee.
7. Counsel for the LSA introduced an Affidavit of Service dated September 3, 2024 as an Exhibit in the proceedings. That Affidavit detailed the efforts made by the LSA to both contact Mr. Ross and serve the applicable documents and materials on him.
8. Mr. Ross was initially served by email on July 12, 2024, over two months before the hearing. At that time, he was served with the cover letter, proposed exhibits and book of authorities in relation to the section 84 disbarment application.
9. LSA counsel went to the pre-hearing conference chair, Grant Vogeli, with a request to deem the service upon Mr. Ross as good and sufficient. On August 29, 2024, Mr. Vogeli granted an order deeming the previous service of documents to be good and sufficient (Order) and also directed that his Order, the notice of Meeting of Benchers (Notice) and the hearing materials be served upon Mr. Ross by August 30, 2024.
10. Through an LSA investigator, a further email was sent to Mr. Ross on August 29, 2024 with a copy of the Order, the Notice and hearing materials. In addition, the investigator also sent an iMessage to Mr. Ross' phone number and attached the same materials.
11. The Committee reviewed the service affidavit and attached materials, the representations of LSA counsel, and the responses to various questions put to LSA counsel by the Committee in relation to the service attempts.

12. Accordingly, the Committee ruled that pursuant to Rule 104(5), the Committee was satisfied that the requirements of section 84(5) of the *Act* and Rule 104(2) had been complied with and that the hearing could continue and be concluded in the absence of Mr. Ross.

Preliminary Matters

13. There were no objections to the constitution of the Committee or its jurisdiction, and a private meeting was not requested so the meeting proceeded in public.
14. To be noted is that Justice Ryan Anderson was Chair of the Committee at the time of the hearing and disbarment was pronounced, but at the time of issuance of this written decision has been appointed as a Justice of the Alberta Court of Justice.

Submissions

15. Counsel for the LSA tendered and exhibited materials in relation to the conduct of Mr. Ross, including (i) the September 2023 decision of the LSBC hearing panel on guilt (*Ross (Re)*, 2023 LSBC 39); (ii) the March 2024 decision of the LSBC hearing panel on sanction (*Ross (Re)*, 2024 LSBC 16) (iii) the LSBC notice of disbarment dated March 21, 2024, addressed to various entities including all Canadian law societies. Accordingly, LSA counsel is seeking an order for disbarment of Mr. Ross in Alberta.

Analysis and Decision

16. Sections 84(3) and 84(4) of the *Act* state in part:

(3) The Benchers, whether or not a suspension is ordered under subsection (2), may make an order against an Alberta member if:

(a) a disciplinary body of an extra-provincial law society, in disciplinary proceedings against the Alberta member makes an order having the effect of terminating the Alberta member's membership in that society.

(4) An order made against an Alberta member under subsection (3) shall be either

(a) an order for the suspension of the Alberta member's membership in the Society for a period prescribed by the order, or

(b) an order disbarring the Alberta member.

17. Section 49(1) of the *Act* states:

For the purposes of this Act, any conduct of a member, arising from incompetence or otherwise, that:

(a) is incompatible with the best interests of the public or of the members of the Society, or

(b) tends to harm the standing of the legal profession generally, is conduct deserving of sanction, whether or not that conduct relates to the member's practice as a barrister and solicitor and whether or not that conduct occurs in Alberta.

18. The Committee takes note of paragraph 28 of the Sections 83 and 84 Suspension and Disbarment Guideline (Guideline) which states:

When considering applications under section 83(4) and 84(3), the Benchers do not re-adjudicate the merits of the decision made by a court or another regulatory body. On these applications, the Benchers consider whether additional sanctions – ie., suspension or disbarment – should be imposed on a summary basis, or whether the application should be dismissed.

19. Thus, the Committee will not reperform an adjudication of the merits of the LSBC hearing panel decisions. Paragraph 29 of the Guideline further provides that the Committee, in determining any additional sanction, may consider the sanctioning principles and factors set out in the LSA Pre-Hearing and Hearing Guideline.

20. The Pre-Hearing and Hearing Guideline specifies that 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. The Committee focused on several additional specific purposes of sanctioning referenced in the Hearing Guideline, including:

- 1) where appropriate, to protect the public by preventing the lawyer from practicing law through disbarment or suspension;
- 2) general deterrence of other lawyers;
- 3) ensuring the LSA can effectively govern its members; and
- 4) denunciation of the misconduct.

21. The actions and conduct of Mr. Ross meet the criteria for disbarment and all factors listed above are engaged. Mr. Ross clearly demonstrated a lack of integrity, honesty, trustworthiness, and character. He was deceitful and misleading to clients and those he owed duties to. Mr. Ross persistently misled others, acted in a conflict of interest, facilitated a serious breach of trust and most seriously, misappropriated funds.

22. The Committee concluded that the conduct of Mr. Ross was clearly incompatible with the best interests of the public and the members of the LSA, contrary to the requirements of the LSA Code of Conduct and seriously detrimental to the standing of the legal profession as a whole.

Order and Concluding Matters

23. Pursuant to section 84 of the *Act*, the Committee ordered the disbarment of Mr. Ross, effective September 18, 2024.
24. The Committee ordered that a Notice to the Profession be issued pursuant to section 85 of the *Act*, which was issued on September 19, 2024.
25. The exhibits and 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. Ross will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege.

Dated May 22, 2025.

A. Danielle Bourgeois

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