

**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 JACKY (QI) ZHAI
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Single Bencher Hearing Committee

David Tupper – Chair

Appearances

Shane Sackman – Counsel for the Law Society of Alberta

Alain Hepner, KC – Counsel for Jacky (Qi) Zhai

Hearing Date

September 19, 2025

Hearing Location

Virtual Hearing

HEARING COMMITTEE REPORT - SANCTION

Overview

1. The following citations were directed to hearing by a Conduct Committee Panel on September 10, 2024:
 - 1) It is alleged that Jacky (Qi) Zhai provided legal services without the authorization of the Law Society of Alberta while he was a Student-at-Law, and that such conduct is deserving of sanction.
 - 2) It is alleged that Jacky (Qi) Zhai improperly fabricated entries on documents for a client, and that such conduct is deserving of sanction.
 - 3) It is alleged that Jacky (Qi) Zhai failed to be candid with the Law Society of Alberta, and that such conduct is deserving of sanction.
2. On September 14, 2022, the Law Society of Alberta (LSA) received a complaint about Mr. Zhai from complainant EH. As will be described in more detail below, the complaint related to legal services that Mr. Zhai had provided to EH while Mr. Zhai was a student-at-law.
3. Mr. Zhai began articling in Alberta in September 2021 and, because of the complaint and the proceedings that have followed it, continues to be a student-at-law with the LSA. After the complaint was provided to the LSA, an investigation ensued that ultimately culminated in a Statement of Admitted Facts and Admissions of Guilt (Agreed

Statement). The Agreed Statement will be dealt with in more detail below. The Agreed Statement, appended to this report, sets out the relevant facts (Appendix A).

4. The Conduct Committee found the Agreed Statement acceptable. Accordingly, pursuant to section 60(4) of the *Legal Profession Act (Act)*, it is deemed to be a finding of this Hearing Committee (Committee) that Mr. Zhai's conduct is deserving of sanction for the above citations.
5. On September 19, 2025, the Committee convened a hearing into the appropriate sanction.
6. After reviewing all of the evidence and exhibits, and hearing the submissions of the LSA and Mr. Zhai, for the reasons set out below, the Committee has determined that sanction is appropriate. That sanction shall be a reprimand, the payment of a \$2,500.00 fine, and payment of costs of \$3,500.00. The fine and costs shall be paid by October 1, 2026.

Preliminary Matters

7. 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 the appropriate sanction proceeded.

Agreed Statement of Facts/Background

8. As indicated, after the commencement of proceedings related to the conduct of Mr. Zhai, Mr. Zhai provided the Agreed Statement. Also as indicated, a Conduct Committee Panel found the Agreed Statement acceptable on August 12, 2025.
9. As provided by section 60(3) of the *Act*, once the Agreed Statement was accepted by the Conduct Committee, the hearing into the appropriate sanction could be conducted by a single Bencher. As a result, I was appointed to conduct the sanction hearing.
10. To summarize the Agreed Statement, Mr. Zhai was a student-at-law in March 2022. Prior to becoming a student-at-law, Mr. Zhai had incorporated a company, RGC. His intention at that time was to generate Chinese real estate consulting and education business.
11. In March 2022 a family friend referred EH to Mr. Zhai. EH wanted to obtain services related to a TN work visa application for work in the United States. Mr. Zhai agreed to provide work for EH. In exchange, Mr. Zhai was paid \$1,200.00 USD.
12. Mr. Zhai and EH entered into a "Special Legal Services Consultant Contract" on March 14, 2022 (Agreement). The Agreement indicated that it was between RGC and EH. The Agreement in a number of places refers to legal services that were to be provided by Mr. Zhai to EH. Mr. Zhai says that the reference to legal services was included at the request of EH because he needed to obtain reimbursement from his employer in China.
13. EH's application was unsuccessful, and his work visa was rejected by United States Border Services. While, at the time, Mr. Zhai says that he did not believe that his work for EH constituted legal services, he now recognizes that the work can properly be called legal services. He did not inform his principal at the time that he was performing that

work and did not ensure that EH was clear about Mr. Zhai's role and his status as a student-at-law.

14. An investigation by the LSA was conducted after receiving the complaint of EH. The initial responses of Mr. Zhai to questions of the LSA investigator were not satisfactory. They were ultimately changed by Mr. Zhai, and Mr. Zhai became more cooperative. As indicated, that ultimately resulted in the Agreed Statement.

Submissions on Sanction

15. The joint submission of the LSA and Mr. Zhai with respect to sanction was provided, constituting a reprimand, a fine of \$2,500.00 and a payment of costs of \$3,500.00. It was agreed that the costs and fine should be paid by October 1, 2026. The sanction that I have ordered reflects the joint submission.
16. Counsel for the LSA provided careful submissions about the facts, generally reflected in this decision, and summarized the eleven cases that had been provided by the LSA to me.
17. Counsel for Mr. Zhai concurred in the submissions of the LSA.

Decision on Sanction

18. Counsel for the LSA and Mr. Zhai confirmed their understanding that the Committee is not bound by a joint submission on sanction. That said, a hearing committee is required to give significant deference to a joint submission and should not depart from a joint submission on sanction unless it would bring the administration of justice into disrepute or is otherwise contrary to the public interest.
19. Prior to the hearing, I carefully reviewed the eleven cases provided to me by counsel for the LSA. Counsel for the LSA and counsel for Mr. Zhai both agreed that none of the cases were directly on point. The cases were divided into roughly three categories - those dealing with practicing without authorization, those dealing with an absence of candor to the LSA, and those dealing with the manipulation of records.
20. None of the cases dealt with circumstances involving a student-at-law. Each case was reasonably distinguishable from the facts at hand but, taken together, they provided me with good guidance regarding the reasonableness of the proposed sanction. With respect to issues related to records manipulation, in my view the cases provided were somewhat more serious than that at hand. Having said that, records manipulation of any type is a very serious matter and must be viewed with great concern. Here, there was clear manipulation of the Agreement between EH and Mr. Zhai to allow EH to seek reimbursement for legal services provided by a lawyer. Mr. Zhai knew that he was not that. However, unlike certain of the cases provided, the records manipulation was not done to protect Mr. Zhai but was done in a way that was intended to assist EH. Regardless, it was not acceptable.
21. A breach of the duty of candor is always concerning, which is reflected in the cases that were provided about that. At the outset, Mr. Zhai attempted to justify his actions and was not fully transparent with the investigator. That is a concern. However, as the matter progressed and, particularly, after Mr. Zhai obtained counsel, Mr. Zhai became

cooperative and that is a mitigating factor. It is here that I recognize that Mr. Zhai was a student-at-law and while that does not excuse any of the conduct, it might help to explain why it took longer than it should have for him to realize his obligations to be candid with the LSA.

22. With respect to the cases that were provided about practicing without authorization, most of those dealt with the circumstances in which an experienced lawyer was suspended and continued to practice, sometimes inadvertently, or continued to act despite not being engaged to do so. Again, the facts here are unique. It is essential to protect the public by ensuring that only those qualified as lawyers hold themselves out as lawyers and engage in legal services. In this respect, a student-at-law cannot pretend to be that which they are not – a lawyer. I am satisfied, however, that Mr. Zhai now recognizes the seriousness of that issue.
23. Although the cases were all disparate in facts and not directly analogous to the case at hand, virtually all of the cases resulted in a reprimand with some combination of costs and a fine. I am satisfied that, based on the cases, and recognizing the deference that I am required to give to a joint submission, the joint sanction submission is reasonable and appropriate and should be ordered.
24. At the conclusion of the hearing, I reprimanded Mr. Zhai. My reprimand was as follows:

The fundamental purpose of sanctioning is to protect the best interests of the public and to protect the reputation and standing of the legal profession generally.

Mr. Zhai, I acknowledge your cooperation with the Law Society leading up to today and your desire to resolve these complaints by admitting guilt and by proceeding with a Single Bench Hearing. Your admissions have allowed the citations to be resolved on a more efficient basis which is not just a benefit to you, but is a benefit to the public and to the Law Society.

Mr. Zhai, you are a student-at-law. Your time as a student-at-law and the learning that occurs during that time is extraordinarily important. As a student-at-law, it is essential that you understand your obligations as a member of the Law Society and ensure that you comply with them. Your conduct during your time as a student-at-law must be exemplary and must establish a positive pattern for the balance of your career.

You would like to be a lawyer. To be a lawyer is a privilege. It comes with great responsibilities and obligations to the public and to your clients, to your firm, and to yourself.

You have admitted that you provided legal services without the authorization of the Law Society of Alberta while you were a student-at-law, that you improperly fabricated entries on documents for a client to assist then in recovering an expense from their employer, and that you failed to be candid with the Law Society of

Alberta about your unauthorized practice of law. You have agreed that all three of these citations are deserving of sanction.

The fact that you have done these things as a student-at-law is both concerning and disappointing. As a student-at-law, and if you become a lawyer, your professional reputation and integrity is your currency. It is fundamental to the practice of law. With respect to the three citations to which you have pled guilty, it is fundamental to the public interest and to the protection of the public that only those who are lawyers provide legal services. Considerable harm results if legal services are provided by those without training or experience.

Students-at-law and lawyers must demonstrate honesty that is beyond reproach. Whether you were asked to fabricate entries on documents or did so independently, the result is the same. Fabrication of documents fundamentally breaches our duties of honesty as members of the Law Society. That is never acceptable.

Finally, it is essential that members of the Law Society, whether lawyers or students-at-law, always be candid with the Law Society. We are a self-governing profession and with the privilege of self-governance comes responsibilities. Honesty and candor to the Law Society of Alberta is essential to practice.

You are early in your legal career, and you have an opportunity to learn from this in a very unique way. I urge you to constantly have at the forefront of your mind and your practice the integrity required of all of us as members of the profession, and that you constantly exercise diligence to ensure that you fulfill your obligations, first as a student-at-law and later, if you become a lawyer, as a lawyer. I am disappointed that you are in front of me today, but I have hope and expectation that this will be the only time that you breach your obligations as a member of the Law Society of Alberta.

25. Mr. Zhai shall pay the fine amount of \$2,500.00 and the costs amount of \$3,500.00, as indicated, by October 1, 2026.
26. No referral is required to be given to the Attorney General and a Notice to the Profession is not required.

Concluding Matters

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

Dated November 5, 2025.

David Tupper

IN THE MATTER OF THE *LEGAL PROFESSION ACT*

- AND -

IN THE MATTER OF A HEARING REGARDING THE CONDUCT OF
JACKY (Qi) Zhai
A MEMBER OF THE LAW SOCIETY OF ALBERTA

HEARING FILE HE20240234

**STATEMENT OF ADMITTED FACTS, EXHIBITS
AND ADMISSIONS OF GUILT**

BACKGROUND OF MEMBER

1. I began articling in Alberta in September 2021.
2. As of the date of these admissions, I am a student-at-law with the Law Society of Alberta working in an approved working arrangement.
3. I do not have a prior disciplinary record with the LSA.

PROCEDURAL BACKGROUND

4. This hearing arises from one complaint: [complaint number].
5. On September 14, 2022, the complainant [EH] submitted a complaint regarding myself.

Tab 1 – Information Concerning a Lawyer Form

6. I provided a response to this complaint on November 14, 2022

Tab 2 – November Response from Mr. Zhai

7. I also provided a further response to this claim after follow-up questions from the LSA on April 14, 2024.

Tab 3 – October 27, 2023 Letter from the LSA

Tab 4 – April Response from Mr. Zhai

8. There was some delay in my response owing primarily to [health reasons].
9. Following further requests for information, I provided a final response on May 24, 2024.

Tab 5 – May 8, 2024 Letter from the LSA

Tab 6 – May 24, 2024 Response from Mr. Zhai

10. The LSA conducted a review of the allegations, resulting in a referral to the Conduct Committee.
11. On September 10, 2024, the Conduct Committee directed that the following three citations be dealt with by a Hearing Committee:
 1. It is alleged that Jacky (Qi) Zhai provided legal services without the authorization of the Law Society of Alberta while he was a Student-at-Law, and that such conduct is deserving of sanction.
 2. It is alleged that Jacky (Qi) Zhai improperly fabricated entries on documents for a client, and that such conduct is deserving of sanction.
 3. It is alleged that Jacky (Qi) Zhai failed to be candid with the Law Society of Alberta, and that such conduct is deserving of sanction.

Tab 7 – Citations

BACKGROUND

12. In October 2020, I incorporated [RGC]. My intention with RGC was to generate Chinese real estate consulting and education business.
13. For a period for time, I also setup a webpage for RGC to advertise immigration, notary and family law services. I intended to use it as a potential referral portal for Chinese clients to my firm.

Tab 8 – Screen Shot of RGC dated October 21, 2022

14. In March 2022, [EH] was referred to me by a family friend.
15. [EH] approached me to provide services regarding a TN work visa application (the “**Application**”). We spoke about his Application on February 28, 2022.

Tab 9 – Mr. Zhai’s Notes of February 28, 2022

16. [EH] and I entered into a Special Legal Services Consultant Contract on March 14, 2022 (the “**Agreement**”).

Tab 10 – Special Legal Service Consultant Contract

17. The total amount paid by the complainant under the terms of the Agreement was \$1200USD. I did assist [EH] with filling out his application materials for a TN work visa.
18. I set out the Agreement as being between RGC and [EH] because he insisted that he needed that structure to get reimbursed from his employer in China.

Tab 11 – Translation of weChat with [EH]

19. [EH]'s application was unsuccessful, and his work visa was rejected by border services. It is my understanding that [EH] made numerous false statements in his interview with border services that resulted in the denial.

20. I did not act for [EH] as his US agent and confirmed the same with him on April 13, 2022.

Tab 11 – Translation of weChat with [EH]

21. I completed the Application for [EH] without informing my principal that I was doing the same.

22. I did believe at the time, as reflected in my responses to the LSA, that completing the Application was not providing legal services.

23. Upon reflection, I do recognize that my work could properly be called legal services. I was a student-at-law at the time and practiced immigration law.

24. I also recognize I should have informed my principal of the same rather than doing this work in my personal capacity outside of the law firm and supervision of my principal.

25. I also recognize I should have taken clearer steps to ensure that [EH] was not confused about the nature of the services I was providing, and I should have more carefully identified myself as a student-at-law in written materials.

26. [EH] asked me to represent that the work in question was legal work, despite my belief that it was not, I did so in order to assist him in receiving reimbursement from his employer who had certain requirements for the same. I did so as a favor to him. I recognize that this was not proper for me to do, I admitted to the same in my previous replies to the LSA in April and May 2024.

ADMISSIONS OF FACTS AND GUILT

27. I admit as facts the statements in this Statement of Admitted Facts and Admissions of Guilt for the purposes of these proceedings.

28. I admit that:

- a. I provided legal services without the authorization of the LSA while I was a student-at-law;
- b. I improperly fabricated entries on documents for a client to assist them in processing it as expense to their employer;
- c. I admit that I failed to be candid with the LSA about my unauthorized practice of law.

29. When I admit guilt to the conduct described in herein, I admit that the conduct is "conduct deserving of sanction" as defined under section 49 of the *Legal Profession Act*.

ACKNOWLEDGEMENTS

30. I have had the opportunity to consult with legal counsel.

31. I have signed this statement freely and voluntarily, without compulsion or duress.

32. I understand the nature and consequences of my admissions.

33. I understand that, although entitled to deference, a Hearing Committee is not bound to accept a joint submission.

**THIS STATEMENT OF ADMITTED FACTS, EXHIBITS, AND ADMISSIONS OF GUILT IS
MADE THIS _____ DAY OF _____, 2025.**

Jacky Zhai