

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

AND

**IN THE MATTER OF A SECTION 61 RESIGNATION APPLICATION
REGARDING ANDREW RICE
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Resignation Committee

David Tupper – Chair (Bencher)
Kene Ilochonwu, KC – Committee Member (Bencher)
Sandra Petersson, KC – Committee Member (Bencher)

Appearances

Will Cascadden, KC – Counsel for the Law Society of Alberta
Andrew Rice – Self-represented

Hearing Date

December 16, 2025

Hearing Location

Virtual Hearing

RESIGNATION COMMITTEE REPORT

Overview

1. Andrew Rice was admitted as a member of the Law Society of Alberta (LSA) on August 20, 2010. As will be discussed further below, on November 23, 2023, Mr. Rice was found guilty of various conduct deserving sanction and, as a result, received a five-month suspension and a costs order of \$15,000.00. Two complaints were subsequently filed against him. The first was filed on July 10, 2023 and a file was opened by the LSA. A second complaint was filed against him on May 1, 2024. These two complaints form the context for the application to this Resignation Committee (Committee).
2. Mr. Rice applied for resignation from LSA, pursuant to section 61 of the *Legal Profession Act*, R.S.A. 2000, c.L-8 (*Act*). Because Mr. Rice's conduct is the subject of citations issued pursuant to the *Act*, this Committee was constituted to hear this application for resignation (Resignation Application).
3. At the time of this hearing, Mr. Rice was a suspended member of the LSA and, as just mentioned, had a disciplinary record with the LSA.

4. After reviewing all of the evidence and exhibits, and hearing the submissions of the LSA and Mr. Rice, the Committee allowed the Resignation Application pursuant to section 61 of the *Act* with oral reasons, and advised that a written decision would follow. This is that written decision.
5. In addition, the Committee determined that no costs would be payable.

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. Rice's Resignation Application proceeded.

Citations

7. Mr. Rice faced the following citations:

First Complaint

- 1) It is alleged that Andrew S. Rice failed to fulfill an undertaking provided to opposing counsel and that such conduct is deserving of sanction.
- 2) It is alleged that Andrew S. Rice failed to respond promptly to communications from opposing counsel and that such conduct is deserving of sanction.

Second Complaint

- 3) It is alleged that Andrew S. Rice failed to comply with the requirements to obtain approvals to operate a trust account as set out in the *Rules of the Law Society of Alberta* and that such conduct is deserving of sanction.
- 4) It is alleged that Andrew S. Rice improperly managed client funds in breach of the *Rules of the Law Society of Alberta* and that such conduct is deserving of sanction.
- 5) It is alleged that Andrew S. Rice misrepresented to his clients that he was operating under a professional corporation when it did not exist and that such conduct is deserving of sanction.
- 6) It is alleged that Andrew S. Rice practiced law while suspended and that such conduct is deserving of sanction.
- 7) It is alleged that Andrew S. Rice failed to report a debt judgment to the Law Society as required by the *Rules of the Law Society of Alberta* and that such conduct is deserving of sanction.

Statement of Admitted Facts

8. As was required, Mr. Rice provided a Statutory Declaration in support of his Resignation Application pursuant to section 61. That Statutory Declaration was sworn on October 15, 2025. On the same date, Mr. Rice agreed to a Statement of Admitted Facts (Agreed Statement). I summarize in this section the facts taken from both the Statutory Declaration and the Agreed Statement.
9. As mentioned, Mr. Rice was called to the bar and became a member of the LSA on August 20, 2010. He has been a member of the LSA for 15 years.
10. On November 23, 2023, Mr. Rice was found guilty of five counts of conduct deserving of sanction. As mentioned, as a result he received a five-month suspension and became responsible to pay costs of \$15,000.00.
11. After his five-month suspension resulting from those disciplinary proceedings ended, Mr. Rice was administratively suspended because of his failure to pay the costs arising from those disciplinary proceedings.
12. In other words, he has been suspended since January 1, 2024 after his conduct was found worthy of sanction.
13. On July 10, 2023, a complaint was received by the LSA. That complaint was received from DS and is set out above. On May 1, 2024, the LSA received a second complaint, received from SC, which is also particularized above.
14. The LSA subsequently conducted an investigation into the two complaints, and on August 12, 2025, a panel of the Conduct Committee directed that the citations set out above be dealt with by a hearing committee.
15. Rather than proceed to hearing on these citations, Mr. Rice has applied to resign his membership in the LSA pursuant to section 61 of the *Act*.
16. A little context should be provided about the complaints leading to this Resignation Application.

First Complaint

17. The first complaint alleged that Mr. Rice represented the vendor in a real estate transaction. He undertook to discharge a caveat from title to the land and to provide a copy of a clear Certificate of Title prior to the closing date in December 2021. Mr. Rice failed to do so, and he did not respond to opposing counsel's request that Mr. Rice fulfill his undertaking for seven months. When he did eventually respond, Mr. Rice advised that he would be obtaining a Fiat to allow him to discharge the caveat, but Mr. Rice failed to do so. Mr. Rice never did fulfill his undertaking to opposing counsel.

Second Complaint

18. The second complaint alleged that Mr. Rice received a five-month disciplinary suspension, effective January 1, 2024. He was an associate at CR Lawyers at the time. A partner at the firm, SC, filed this complaint after he discovered that Mr. Rice was corresponding with clients during his suspension and that trust funds taken from a client prior to his suspension were unaccounted for in the firm's accounting system.
19. The LSA investigated Mr. Rice's conduct and confirmed that Mr. Rice had provided legal services during his suspension. The investigation also confirmed that Mr. Rice had accepted funds in trust from clients both before and during his suspension and deposited them in a personal account. Mr. Rice did not have the LSA's approval to operate a trust account. Mr. Rice failed to maintain any type of accounting or records of funds taken from his client and issued invoices to his clients from a professional corporation that did not exist.
20. Mr. Rice also failed to report to his firm that a Writ of Enforcement had been issued against him, such that the firm was then unable to fulfill its obligation to advise the LSA of his personal debt.
21. Rather than face a hearing to address these two complaints, Mr. Rice has brought this Resignation Application.

Analysis

22. LSA counsel supported Mr. Rice's Resignation Application, agreeing that Mr. Rice's resignation pursuant to section 61 of the *Act* served the public interest. As such, the Committee considered this application to be a joint submission and therefore deserving of deference, unless it was brought the administration of justice into disrepute or contrary to the public interest.
23. The issue to be determined by this Committee was whether it was in the best interests of the public to permit Mr. Rice to resign pursuant to section 61 in the face of serious unresolved conduct matters. Pursuant to section 61 of the *Act*, the member's resignation amounts to a deemed disbarment if accepted.
24. Rule 92 of the Rules of the LSA (Rules) applies when a member seeks to resign in the face of conduct proceedings.
25. Rule 92 has a number of requirements. A member must file an application in writing, enter into a statement of facts, and swear a statutory declaration that provides information about a number of matters particularized in Rule 92(1)(b)(i)-(ix). As mentioned, a Statutory Declaration was provided by Mr. Rice in this case as was the Agreed Statement and the Committee finds that they satisfy the requirements of Rule 92(1)(b).

26. Rule 92 also provides the Benchers the ability to require a member to enter into undertakings and agreements with the LSA. Undertakings have been provided by Mr. Rice in this case as will be discussed below. There are a number of other requirements of Rule 92. The Committee is satisfied that all of those have been satisfied as well.
27. As mentioned in this case, Mr. Rice has entered into a number of undertakings in support of his Resignation Application. These relate to trust accounts and client files, Assurance Fund and Alberta Lawyers Indemnity Association (ALIA) claims against Mr. Rice, and conduct proceedings and future reinstatement applications. Among other things, Mr. Rice undertakes to cooperate with the LSA and ALIA if there are future claims made against him or against the Assurance Fund, to cooperate with the LSA if there are any trust-fund claims made against Mr. Rice, and not to apply for reinstatement of his membership in the LSA.
28. Again, the Committee is of the view that the undertakings provided are appropriate in the circumstances. The Committee carefully considered the outstanding conduct complaints made against Mr. Rice and his disciplinary history. The Committee also considered his cooperation leading to this proceeding and the public interest. In the circumstances of this case, given the nature of the complaints against Mr. Rice and the fact that a resignation pursuant to section 61 of the *Act* is a disbarment. The Committee has reached the decision below.

Decision

29. The Committee finds that the Agreed Statement and the Statutory Declaration were in an acceptable form.
30. Based on the evidence established by the Agreed Statement and the Statutory Declaration, the Committee determined that it was in the best interests of the public to accept Mr. Rice's Resignation Application pursuant to section 61, effective December 16, 2025.
31. The Committee accepted the undertakings made by Mr. Rice.
32. The Committee has reviewed the costs of hearing this Resignation Application, as prepared by the LSA. The Committee has determined that no costs shall be payable. An estimate of costs was provided to the Committee. That estimate indicated that investigation costs sub-totaled \$10,037.25, pre-hearing costs sub-totaled \$656.25, and resignation hearing costs sub-totaled \$262.50 for a total estimated costs amount of \$10,956.00. As indicated, after careful consideration, the Committee determined that no costs would be payable.
33. In reaching its decision, the Committee considered the July 24, 2025 decision of the Alberta Court of Appeal in *Charkhandeh v College of Dental Surgeons of Alberta*, 2025 ABCA 258. There, at paragraph 168, the Court of Appeal stated:

Going forward, costs and disciplinary proceedings should be awarded based on the wording of the statutes, and the principles set out in these reasons. The approach in *Jinnah* should not be used.

34. As indicated in *Charkhandeh* and as applied by the hearing committee in its decision in the matter of *Law Society of Alberta v Scott*, 2025 ABLS 21, the key issues are:
- a) Where should the costs burden fall?
 - b) The application of the relevant factors when awarding costs;
 - c) The limits on the quantum of costs;
 - d) The types of costs can fairly be imposed on the professional (*Charkhandeh*, paragraph 134).
35. As the hearing committee in *Scott* found the *Act* is similar to the *Health Professions Act* that was considered by the Court of Appeal in *Charkhandeh*. As a result, there is no presumption in the statutory language that costs should be awarded one way or another. Accordingly, the decision-maker must carefully consider whether in the particular case costs are warranted and the particular quantum of costs based on that case.
36. In this case and on these facts, the Committee after careful consideration determined that no costs should be payable. The key reasons for this are as follows:
- a) No evidence was provided that Mr. Rice engaged in any conduct that made the investigation process more difficult or challenging.
 - b) Mr. Rice brought this Resignation Application, entered into the Agreed Statements, and swore the Statutory Declaration. This ensured that the hearing proceeded efficiently and effectively.
 - c) By resigning pursuant to section 61 Mr. Rice is disbarred. This Resignation Application eliminated the need for a further conduct hearing or hearings to consider the two outstanding complaints against Mr. Rice.
 - d) Mr. Rice provided an undertaking that he will not apply for readmission to the LSA. If he does later determine that he wishes to apply for reinstatement of his membership in the LSA, he will be required to pay all fees and other amounts owed to the LSA. There is an outstanding costs award of \$15,000.00 that will have to be paid related to the discipline that Mr. Rice was already subject to.
37. The fair submissions of counsel for the LSA generally supported a no costs award or a low costs award which would only be payable if an application for reinstatement was made.
38. Having regard to the principles outlined in *Charkhandeh* and reinforced in *Scott*, no costs shall be payable in this case.

39. A resignation under section 61 carries the force of a disbarment under section 1(c) of the *Act*. Pursuant to section 61(4) of the *Act*, the Committee directs that the following information to be entered into the roll:
- a) The roll shall reflect that Mr. Rice's application under section 61 of the *Act* was allowed on December 16, 2025;
 - b) Details of this decision shall be noted in the roll, including the conditions in relation to Mr. Rice's resignation and the Agreed Statement put before this Committee.

Concluding Matters

40. 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. Rice will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).
41. A Notice to the Profession was issued on December 16, 2025.
42. A Notice to the Attorney General is not required.

Dated December 17, 2025.

David Tupper

Kene Ilochonwu, KC

Sandra Petersson, KC