

New Alberta legislation limits law society's education, disciplinary powers

By **Ian Burns**

Law360 Canada (December 15, 2025, 4:39 PM EST) -- Hot on the heels of a controversial bill to limit the disciplinary authority of professional regulatory bodies, Alberta legislators have also passed a bill that brings significant change to the governance of the legal profession in the province — a move some legal observers are saying seems to reflect a distrust of the provincial law society.

Last week, the Alberta legislature passed Bill 14, the *Justice Statutes Amendment Act* — a large omnibus bill that makes a number of significant changes to governance of the legal profession, which the province said is aimed at ensuring the regulation of lawyers "remains fair and focused on professional competence and ethics, while protecting lawyers from misuse of the complaints process."

The bill includes a "purpose statement" for the Law Society of Alberta (LSA) stating its mandate is to uphold and protect the public interest in the administration of justice. It also limits the education and training the LSA can require to a law degree or certificate of qualification demonstrating competence in Canadian law, the bar admission course (including articling), education or training for specialized roles, and any education or training imposed because of disciplinary proceedings.

Heather Jenkins, press secretary to provincial Minister of Justice and Attorney General Mickey Amery, said in a statement that the government amended the *Legal Profession Act* to ensure it aligned with Bill 13, the *Regulated Professions Neutrality Act*, which also recently came into law in Alberta.

"This is to ensure that regulatory oversight for all professions is focused on professional competence and ethics only," she said. "Alberta's government conducted a review of professional regulatory bodies in fall 2024 that included an engagement with more than 100 regulated professions across multiple sectors."

The bill also implements what the province billed as an "improved screening process to quickly dismiss frivolous, bad faith and meritless complaints" at the law society, while directing the LSA to establish a process for a complainant to request an appeal if their complaint is dismissed, rather than the complainant automatically being entitled to an appeal. It also makes decisions by the law society's hearing committee appealable to the Court of King's Bench, rather than LSA benchers.

Andrew Flavelle Martin, an associate professor at Dalhousie University's Schulich School of Law who studies regulation of the legal profession, said Alberta's legislation "seems to reflect a lack of trust in the ability of the law society to perform its functions."

"And what is particularly interesting about the provision to have hearing committee decisions appealable to the court is that it specifies the standard of review as being correctness," he said. "That to me suggests a complete distrust in the ability of the committee to get it right, because you're saying not only are we not going to waste our time with the benchers as a group, but it's going to be a correctness standard, so the court can replace the law society's decision with what they think it should be."



Jon Rossall, McLennan Ross

Lawyer Jon Rossall said he also feels Alberta's current government has a particular problem in dealing with the legal profession.

"I have a particular dislike of the government trying to interfere with the ability of self-regulated professions to do their job right," said Rossall, senior counsel with McLennan Ross in Edmonton. "In the last five years, we've seen this government really starting to intrude more into the ability of the professions to self-regulate and have been imposing themselves more and more into that — in some cases subtly, and now we're seeing this a little less subtly."

Rossall said it was "pretty clear" that one of the triggers for the provision on limiting training was "The Path," a course on Indigenous cultural competency that was subject to a lawsuit saying the law society was pressuring lawyers to adopt political objectives.

"In my opinion, the profession benefited from that course, but for some reason the government didn't like it and got some feedback from

members," he said. "And so, I think what we're seeing here is a bit of a reaction to that."

In addition to its provisions on training and discipline, Bill 14 also contains a section stating that the provincial attorney general cannot be disciplined for actions they perform as part of their official duties, a provision similar to what is on the books in Ontario. Three former Alberta attorneys general — Jonathan Denis, Kaycee Madu and Tyler Shandro — have faced discipline from the law society in recent years, and this move has been pegged as taking away a strong accountability measure for the province's top legal official.

Jenkins said the attorney general "must be free to perform official duties in the public interest without fear of facing politically motivated complaints."

"The attorney general is accountable to the people of Alberta, not the law society," she said.

Rossall said he was "quite shocked and a little offended" when the provision was introduced.

"The minister of justice is almost inevitably a lawyer, and this is removing another check and balance that we see in our province for government," he said. "And all the things that [the former ministers] were criticized for by the law society were lawyer-like things — they were said to be not conducting themselves in a manner that should have been expected as a lawyer, not as it should have been expected as a minister of justice."

Martin noted there has never been a reported decision in Ontario applying the "immunity" provision.

"That to me says either there are no complaints about the attorney general — which seems unlikely — or the Law Society of Ontario has been able to filter out those nuisance-type complaints in a way that is effective," he said. "And so, is the immunity provision necessary?"

You can't really get away from the fact that what a lawyer does reflects on the profession, said Martin.

"It may well be that some people would suggest that law societies should focus more on practice-related things and less on non-practice-related things — but that's very different from trying to say you can't address anything they do when they're not wearing their lawyer hat," he said.

Elizabeth Osler, CEO and executive director of the law society, said in a statement that the LSA is "conducting a thorough review of the new draft legislation to fully understand what it means for the law society, the public and the legal profession in Alberta."

"As part of that review, the law society will review our operations to determine what will be required to ensure compliance with the *Regulated Professions Neutrality Act* and the *Legal Profession Act*," she said.

If you have any information, story ideas or news tips for Law360 Canada, please contact Ian Burns at Ian.Burns@lexisnexis.ca or call 905-415-5906.