



Professional Regulatory

Gregory Sim

2500 - 10175 101 ST NW
 Edmonton, AB T5J 0H3
 T 780-423-7673
 F 780-428-9329
gsim@fieldlaw.com

Overview

Field Law serves as a trusted advisor to regulatory colleges and organizations across numerous sectors – health care, policing, legal, financial, engineering, geoscience plus many more – and provides strategic guidance on matters such as governance, legislative reform, registration, continuing competence, discipline, unauthorized practice and privacy.

With one of the largest and most experienced professional regulatory groups in Western Canada, our lawyers appear before a variety of tribunals to prosecute allegations of unprofessional conduct, resolve registration issues and act as independent legal counsel to tribunals. We also have substantial experience at all levels of Court in applications for judicial review and appeals relating to the regulation of professions, and in defending lawsuits brought against regulatory organizations. Members of the group are authors of two books on professional regulation (*The Annotated Health Professions Act* and *The Regulation of Professions in Canada*) and numerous guides and handbooks for regulators.

At Field Law, we acknowledge that our clients are sophisticated professionals who are proficient in resolving many legal issues internally but provide them with support when complex situations arise involving significant legal risk that require a rapid response and our group’s breadth of experience and industry knowledge. In these instances, we collaborate with our clients and deploy the right team to develop a timely, innovative solution that achieves the best outcome possible under the circumstances.

We take a proactive approach that empowers clients to make practical, effective decisions and take preventative measures to avoid conflict, including in-house training on industry trends and regular updates on matters of interest to professional regulators. We also help clients build an interactive community with their colleagues by hosting round table discussions and a variety of social events designed to facilitate strong relationships among community members.

Click [here](#) to sign up to receive invitations to seminars, webinars and email alerts with the latest information from our Professional Regulatory group.

Experience

- Mutch v Edmonton (Police Service), 2018 ABLERB 4
- Szybunka v Edmonton (Police Service), 2018 ABQB 164
- Szybunka v Edmonton (Police Service), 2018 ABLERB 9
- Zuk v Alberta Dental Association and College, 2020 ABCA 162
- Fitzpatrick v The College of Physical Therapists of Alberta, 2020 ABCA 164

Services

- General Counsel for Professional Regulatory Organizations
- Training
- Complaints
- Registration
- Independent Tribunal Counsel
- External Reviews of Professional Regulators
- Legislative Reform + Development
- Litigation for Regulators Administration

Fitzpatrick v. College of Physical Therapists of Alberta, 2018 ABQB 989

Zuk v Alberta Dental Association and College, 2018 ABCA 398

Zuk v Alberta Dental Association and College, 2018 ABCA 270

Morton v Calgary Police Service, 2018 ABQB 532

Campeau v Knecht, 2018 ABQB 504

Conlin and Barton v Edmonton (Police Service), 2018 ABLERB 012

CD v Edmonton (Police Service), 2018 ABLERB 011

Piikani Naton v. Kostic 2017 ABCA 399, ABCA 399

Edmonton Police Association v Edmonton (City), 2017 ABCA 355

Paraniuk v. Edmonton (Police Service), 2017 ABCA 338

May v. 1986855 Alberta Ltd, 2017 ABQB 617

McCarthy v. Schindeler, 2017 ABQB 511

Deluca v. Alberta (Law Enforcement Review Board), 2017 ABCA 252, Alberta Court of Appeal

Kozina v. Edmonton (Police Service), 2017 ABLERB 020

Fitzpatrick v. Physiotherapy Alberta College, 2017 ABQB 453

Paraniuk v. Edmonton (Police Service), 2017 ABLERB 017

KS v. Yakabuski, 2017 ABQB 252

Deluca and Paulino v. Edmonton (Police Service), 2017 ABLERB 003, Alberta Law Enforcement Review Board

M.K. Engineering Inc. v. Association of Professional Engineers and Geoscientists of Alberta, 2017 ABCA 17

Cole v. Edmonton (Police Service), 2016 CanLII 101000

Engel v. Edmonton (Police Service)

Simic v. Edmonton (Police Service), 2015 ABLERB 014, Alberta Law Enforcement Review Board

Tibu v. Camrose (Police Service), 2015 ABLERB 008, Alberta Law Enforcement Review Board

RE v. Edmonton (Police Service), 2015 ABLERB 009, Alberta Law Enforcement Review Board

Kozina v. Edmonton (Police Service), 2014 ABLERB 046, Alberta Law Enforcement Review Board

Allard-Bourque v. Edmonton (Police Service), 2014 ABLERB 044, Alberta Law Enforcement Review Board

RL v. Edmonton (Police Service), 2014 ABLERB 016, Alberta Law Enforcement Review Board

Kozina v. Kemp, 2014 CanLII 31052 (AB LERB), Alberta Law Enforcement Review Board

Kozina v. Kemp, 2014 CanLII 10796 (AB LERB), Alberta Law Enforcement Review Board

Law Society of Alberta v. Charnock, 2014 ABL 17

MK Engineering Inc v Plecash, 2014 ABQB 483

Land v. Law Enforcement Review Board, 2013 ABCA 435, Alberta Court of Appeal

Law Society of Alberta v. Venkatraman, 2013 ABL 29

Camrose (Chief of Police) v. MacDonald, 2013 ABCA 422, Alberta Court of Appeal

Smith v. Chief of Police of the Edmonton Police Service, 2013 CanLII 78548 (AB LERB), Alberta Law Enforcement Review Board

Addow v. Johnson, 2013 CanLII 60926 (AB LERB)

Gulaga v. Hove, 2013 CanLII 48775 (AB LERB), Alberta Law Enforcement Review Board

Gulaga v. Neufeld, 2013 CanLII 48818 (AB LERB), Alberta Law Enforcement Review Board

Bergmann v. Neumeier, 2013 CanLII 48827 (AB LERB), Alberta Law Enforcement Review Board

Camrose (Police Service) v MacDonald, 2013 ABCA 225, Alberta Court of Appeal

Addow v. Johnson, 2013 CanLII 27271 (AB LERB)

Fitzgerald v. Knecht, 2013 CanLII 27266 (AB LERB)

Land v. Alberta (Law Enforcement Review Board), 2013 ABCA 68

Wasylshen v. Edmonton Police Service, 2012 ABQB 406

J.M. v. Cst. S.M., 2012 CanLII 104617 (AB LERB)

J.M. v. Cst. S.M., 2012 CanLII 104615 (AB LERB)

TBM Transportation Ltd. v. Tri-Star Transport Ltd., 2011 ABCA 358, Alberta Court of Appeal

Edmonton (Police Service) v. Alberta (Law Enforcement Review Board), 2011 ABCA 288, Alberta Court of Appeal

Mitzel v. Alberta (Law Enforcement Review Board), 2010 ABCA 336, Alberta Court of Appeal

Edmonton (Police Service) v. Alberta (Law Enforcement Review Board), 2010 ABCA 241, Alberta Court of Appeal

Moore v. Alberta Society for the Prevention of Cruelty to Animals, 2010 ABCA 009

Mitzel v. Alberta (Law Enforcement Review Board), 2009 ABCA 288

Horseman v. Horse Lake First Nation, 2009 FC 368

Horseman v. Horse Lake First Nation, 2005 ABCA 15, Alberta Court of Appeal

Moss v. TransCanada Pipelines Ltd., 1999 SKQB 118, Saskatchewan Court of Queen's Bench

People

Gregory Sim,
Practice Group
Leader
Partner
Edmonton
gsim@fieldlaw.com

Ayla Akgungor, Practice
Group Leader
Partner
Edmonton
aakungor@fieldlaw.com

Chelsey Bailey,
Executive Committee
Member
Partner
Edmonton
cbailey@fieldlaw.com

James Casey, QC
Partner
Edmonton
jcasey@fieldlaw.com

Derek Cranna, QC,
Executive Committee
Member
Partner
Edmonton
dcranna@fieldlaw.com

Katrina Haymond
Partner
Edmonton
khaymond@fieldlaw.com

Jason Kully Partner Edmonton jkully@fieldlaw.com	Caitlyn Field Lawyer Edmonton cfield@fieldlaw.com	Tessa Gregson Lawyer Edmonton tgregson@fieldlaw.com
Jason Harley Lawyer Edmonton jharley@fieldlaw.com	Alisha Hurley Lawyer Edmonton ahurley@fieldlaw.com	William McClary, P.Eng Lawyer Calgary wmcclary@fieldlaw.com
Leanne Monsma Lawyer Edmonton lmonsma@fieldlaw.com	Kimberly Precht Lawyer Edmonton kprecht@fieldlaw.com	Evie Thorne Lawyer Edmonton ethorne@fieldlaw.com

News + Views + Events

February 2, 2021

[Important Professional Regulatory Cases of 2020](#)

January 2021

[Field Law Announces Five New Partners](#)

December 2020 - 5 min read

[Alberta Government Announces New Funding Rules for Sexual Abuse and Misconduct Counselling](#)

November 2020

[Alberta introduces significant regulatory amendments to Health Professions Act](#)

November 23, 2020

[Understanding + Implementing Bill 46: A Guide for Colleges](#)

Publications + Roundtables

Field Law's Professional Regulatory group is committed to ensuring regulators are aware of recent legal developments and that staff of regulatory organizations have opportunities to develop their knowledge and experience. Our lawyers publish our "Perspectives for the Professions" newsletter on a regular basis. We also publish "Professional Regulatory Alerts" about recent cases of interest to professional regulators and we host "Professional Regulatory Roundtables" for members of the professional regulatory community to meet for lunch and discuss challenging issues in professional regulation. Please visit the News + Views + Events tab to access any of our past publications.

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[Subscribe to Field Law's Professional Regulatory email list](#)

Workshops

Professional regulatory organizations are committed to the ongoing professional development of their members. Equally, professional regulatory organizations should be committed to the ongoing professional development of their regulatory committees and administrators. The reasons are self-evident: regulatory functions are challenging; the stakes are high for the member; and the public interest is fully engaged. Volunteers serving on regulatory committees are experts in their own profession but are usually not experts in regulatory functions. Training helps our volunteers and staff become high-performers in their roles while at the same time minimizing legal risks.

As part of our commitment to "preventative lawyering", our Professional Regulatory Group provides a broad range of formal training and workshops for regulatory committees and administrators. "Preventative lawyering" means helping clients take proactive steps to prevent legal problems from arising rather than only addressing the legal issues after a problem has occurred. Regular training is cost effective and in the public interest helping regulatory committees make better decisions and greatly reduce the risk of successful legal challenges. Preventing just one legal challenge from arising will pay for many years of training.

Training for regulators is most effective when it is offered on a regular, annual basis with adjustment to the training program each year depending on need. The composition of regulatory committees frequently changes. New members need orientation and experienced members require reinforcement of their knowledge and skills. Regulators which offer training on an irregular basis will fail to reap the full benefits of a formal training program.

Our Professional Groups customizes our workshop depending on the needs of the individual organization. Workshops that we currently offer are as follows:

Registration

- **“Making Appropriate Registration Decisions”**: This half day workshop addresses how to interpret governing legislation regarding eligibility to enter practice; how to assess “good character”, and how to reduce the risk of human rights challenges in the registration context. The workshop also provides tips on how to prepare written reasons in the registration context. This workshop is appropriate for members of registration committees or staff working in the registration area.

Privacy

- **“Privacy: Understanding Privacy Legislation in the Context of Professional Regulation”**: This half day workshop explains a regulator’s obligations under the Personal Information Protection Act , including what constitutes “personal information”, and the key rules relating to collection, use and disclosure of personal information. Other topics covered include tips to ensure compliance, and how to deal with privacy breaches if they occur. This workshop is useful for staff members of regulatory organizations.

Investigations

- **“Conducting Effective Professional Discipline Investigations”**: This full day workshop is designed for investigators and those who supervise the investigatory process.

Complaint Dismissals

- **“Reviewing the Dismissal of Complaints”**: This half day workshop is designed for members of Committees which have the obligation to review dismissal of complaints. What is your role? What is the standard of review? What are the major areas of focus? How do you prepare effective reasons for your decision?

Discipline Hearings

- **“Orientation of Public Members”**: This half day workshop is designed to familiarize new public members with their role and responsibilities as the “public member.” Participants are provided with an overview of the discipline and hearing process. Tips on meeting the challenges are presented including tips on how non-professionally trained public members can effectively judge the conduct of professionals in a technical context.
- **“The Top 10 Tips and Traps for the Conduct of Discipline Committee Members During Hearings”**: A two hour presentation providing practical guidance to discipline committee members on how they should and should not conduct themselves during a hearing. What type of conduct engenders confidence in the process and what creates legal and institutional risk. The “traps” identified are all taken from case law in which tribunal member conduct resulted in a judicial review or an appeal.
- **“Running a Professional Discipline Hearing and Preparing Effective Decisions”**: A full day workshop designed for members of discipline committees. This workshop can be custom-tailored to the appropriate degree of complexity but the workshop is generally presented at an introductory level and is useful for new discipline committee members, those without significant hearing experience, and experienced members wanting a refresher.
- **“Assessing Credibility: More Art than Science”**: Assessing credibility is one of the most difficult of all the adjudicative arts. This half-day, interactive, small group workshop is designed to teach discipline committee members how to make credibility assessments. Members of Field Law’s Professional Regulatory Group present the credibility factors that must be considered in every case. What factors are considered reliable indicators of credibility and what factors are unreliable? In addition, we present a structured methodology for discipline committee members to use in caucus while assessing credibility. Tips and pitfalls with

respect to addressing credibility in written decisions are addressed. The pitfalls are identified from the case law where credibility findings by tribunals were challenged in Court. After the initial presentations, participants are shown a videotaped mock discipline hearing professionally developed by our Professional Regulatory Group. The video is based on some of the most challenging credibility issues we have faced in real-life hearings. After each examination and cross-examination the video is stopped and Field Law lawyers facilitate discussion with the participants identifying what factors are important in the particular examination. The video proceeds with more group discussion after each witness. Closing arguments are made. The participants are broken into small groups to act as a discipline committee making credibility findings and preparing reasons for their decisions. A spokesperson for each “committee” reads their reasons. Field Law lawyers critique providing supportive coaching. By the end of the workshop, attendees will be able to identify the credibility factors to be considered; practiced the assessment of credibility through use of the video and role plays; applied the structured methodology of assessing credibility while in caucus; and practiced writing the part of a decision dealing with credibility assessment.

- **“Professional Discipline Sanctions”**: This half day workshop is designed for members of discipline committees. We address the purpose of disciplinary sanctions, the role of case law, the range of options available, and pitfalls to avoid.
- **“Developing Advanced Skills in Running Discipline Hearings”**: This full day small-group workshop is designed for experienced adjudicators seeking to enhance their skills or develop the skills necessary to be a Chair. The workshops consist of a series of role plays with attendees serving as members of a discipline committee. The hearing scenarios unfold with members of Field Law’s Professional Regulatory Group playing the roles of prosecuting counsel, defence counsel, and witness. Each scenario represents real-life difficult challenges faced by chairs and discipline committees. At the end of each scenario, we review how the discipline committee handled the situation. What went well? What did not? While we critique how the scenario was handled, the goal is to provide supportive coaching to improve performance. All attendees will have the opportunity to sit on one or more of the committees addressing a scenario.
- **“Conducting Effective Caucus Sessions and Preparing Effective Reasons”**: A workshop designed for members of discipline committees that can be completed in a half day or extended depending on preference. The workshop is useful for all committee members but it is especially useful for committee members who have the responsibility of leading caucus meetings or preparing a first draft of the decision. A useful template for decisions is presented.

Appeals

- **“Hearing Discipline and Registration Appeals”**: A half day workshop designed for Council or committees serving in an appellate role. Topics include standard of review, the conduct of appeals, new evidence, and preparing effective reasons.

Governance and Strategy

- **“Trends in Professional Regulation: Identifying and Formulating Effective Responses”**: This workshop is designed for Council members and senior regulatory staff. The workshop explores major trends affecting professional regulators across Canada. The Field Law presenter facilitates discussion helping attendees identify effective responses for their organization.

We typically offer our workshops on a “fixed fee” basis so that our clients have complete cost certainty with respect to the training initiative. The precise cost will depend on the nature of the workshop. However, given the number of individuals that an organization can send to a workshop, our training is cost-effective for organizations and is much less than an organization would spend sending attendees to conferences offered by professional conference companies. We offer our workshops across western Canada.

Any organization that wishes to explore retaining our Professional Regulatory Group to provide a workshop to one or more of its regulatory committees are invited to contact the leader of our Professional Regulatory Group, Greg Sim (gsm@fieldlaw.com; 780-423-7673). Greg can discuss your particular needs and provide you with a fixed fee quotation for the proposed workshop.

Webinar Recordings

The following recordings of webinars hosted by Field Law's Professional Regulatory group are available for purchase. Please check the "Upcoming Webinars" tab for information on future sessions, or [click here](#) to subscribe to our mailing list and sign up to receive the information directly in your inbox.

Understanding + Implementing Bill 46: A Guide for Colleges

Bill 46 represents the most extensive set of amendments to the *Health Professions Act* (“HPA”) since the legislation came into effect nearly 20 years ago. Presented by [James Casey, QC](#), [Katrina Haymond](#), and [Greg Sim](#), this complimentary webinar summarizes the provisions in Bill 46 and provides Colleges with a checklist of steps needed for implementation.

[Click here](#) for more information.

Regulatory Reform Comes to Alberta

Alberta Health’s discussion paper “Proposals to Amend the Health Professions Act to Improve Regulatory Effectiveness and Efficiency” proposes the most significant changes to the *Health Professions Act* since it was enacted. Presented by [James Casey, QC](#), [Katrina Haymond](#) and [Gregory Sim](#), this webinar addressed multiple topics including a review of the proposals and Bill 30.

[Click here](#) for more information.

Year in Review: Important Professional Regulatory Cases of 2019

What are the key legal trends that regulators faced in 2019? What are the strategic and operational implications for regulators? Presented by [James Casey, QC](#) and [Leanne Monsma](#), this webinar provided information on the most important professional regulatory court cases of 2019.

[Click here](#) for more information.

Human Rights + Professional Regulation: What Every Organization Needs to Know

Presented by [Ayla Akgungor](#) and [Caitlyn Field](#), this webinar focused on an understanding of key human rights considerations and their application to regulatory functions. Regulators are also employers and need to be aware of their human rights obligations towards their employees.

[Click here](#) for more information.

Registration Issues in Professional Regulation

Presented by [Gregory Sim](#) and [Evie Thorne](#), this webinar discussed current issues and challenges that can arise in the registration process such as recent developments in good character assessments and challenges in assessing international applicants and foreign qualifications.

[Click here](#) for more information.

Fair Registration Practices Act: Implications for Professional Regulatory Organizations

Presented by [James Casey, QC](#) and [Gregory Sim](#), this complimentary webinar focused on assisting professional regulatory organizations in understanding the *Fair Registration Practices Act*, their obligations, and how they can proactively take steps to implement registration practices that are transparent, objective and fair.

[Click here](#) for more information.

Tips + Traps for Hearing Tribunal Members

Presented by [Ayla Akgungor](#) and [Jason Kully](#), this webinar focuses on several situations that can arise during the course of a professional discipline hearing. The presenters will identify some of the traps that may arise and will provide pragmatic advice on how to avoid common hearing pitfalls.

[Click here](#) for more information.

Year in Review: Important Professional Regulatory Cases of 2018

Presented by [James Casey, QC](#) and [Kimberly Precht](#), this webinar focuses on the most important professional regulatory Court cases of the past year. What are the key legal trends? What are the strategic and operational implications for regulators?

[Click here](#) for more information.

Dealing with Unrepresented Members

Whether it be due to cost or personal choice, regulated professionals facing disciplinary proceedings often elect to represent themselves. Presented by [Chelsey Bailey](#) and [Tessa Gregson](#), this webinar addresses the unique challenges for regulators and administrative tribunals in ensuring a fair process.

[Click here](#) for more information.

Issues in Professional Discipline Investigations: Tips + Traps

Presented by [Katrina Haymond](#) and [Leanne Monsma](#), this webinar focuses on several difficult situations that can arise during the course of an investigation. The presenters outline some of the traps that regulators may fall into, as well as tips for preventing and managing these situations.

[Click here](#) for more information.

Don't Forget the Sanctions...

You've heard all the evidence and the charges are proven. For the professional whose career is on the line, nothing could be more important than what comes next... Presented by [James Casey, QC](#) and [Gregory Sim](#), this webinar discusses important considerations for assessing and imposing sanctions in professional discipline cases.

[Click here](#) for more information.

Upcoming Webinars

Please check back for an updated schedule of upcoming webinars presented by the Field Law Professional Regulatory Group, or [click here](#) to subscribe to the Professional Regulatory mailing list and sign up to receive the information directly in your inbox.

Important Professional Regulatory Cases of 2020

February 2, 2021

Learn about the most important professional regulatory court cases of 2020. What are the key legal trends? What are the strategic and operational implications for regulators? Presented by [James Casey, QC](#) and [Leanne Monsma](#), this popular annual webinar will include a comprehensive review of key cases from 2020. [Click here](#) for more information.

Client Stories

Serving clients proactively

- A professional regulator was sued by a member of the organization who alleged bad faith investigation, negligence and abuse of process. [Gregory](#) investigated the claims and took the client through a risk management exercise. *"I sat down with my client the regulatory body and looked at what happened, where its processes could be improved and whether the claim had merit. We filed a motion to dismiss the claim and then assisted the group to improve its processes to avoid similar issues in the future."*

Protecting our clients' assets

- Another professional regulator was having trouble enforcing its legislation prohibiting non-members from using reserved professional titles. Companies were using the reserved titles in their business names and ignoring the regulator's requests to change their names. [Gregory](#) filed court applications against the companies and the Registrar of Corporations and obtained court orders compelling the Registrar to change the corporate names when the companies wouldn't.